IMT Nuremberg Archives

H – 1093

International Court of Justice

H1093 – 0002

SUMMARY OF EVIDENCE OF WALTER ALBATH WITNESS

FOR THE GESTAPO ORGANIZATION TAKEN BEFORE

A COMMISSION ON

10 JUNE 1946 TRANSCRIPT PAGES 718 TO 727

11 JUNE 1946 TRANSCRIPT PAGES 960 TO 987

SUBJECT: 1. Non-criminal nature of Gestapo activities, with particular reference to Wehrkreis 6

2. Involuntary character of Gestapo membership

After having passed his law examinations in 1933 and having served for a short time as Judge's Assistant Assessor and in the Office of the Public Prosecutor, witness applied for employment in the Interior Administration Section of Government service. In 1935 he went to work in the department of the Police President's Office in Berlin. A temporary assignment to the Berlin Gestapo Office became in the course of time permanent. In 1937 and 1938 he was with the Gestapo in Coblenz; from 1938 to 1939 he was Chief of the Gestapo office in Elbing. From 1939 to 1941 he was Chief of Gestapo in Koenigsberg when he was transferred to Dusseldorf where he remained until 1943. At that time he became Inspector of Security Police and SD of Wehrkreis 6. He has been a member of the Party since 1 April 1933 and he entered the SS in 1934 at the time of the "coordination decree". His final rank in the SS was Standartenfuehrer and his equivalent rank in the Gestapo was Regierungsdirektor. (pp 719 to 721)

I. Activities Relating to Article 6 of the Charter

1. Jurisdiction and duties of Gestapo Inspector in Wehrkreis 6 - Gestapo duties generally

The Office of Inspector of Security Police and SD was created in 1936 by Heydrich along lines similar to those existing for the inspector of the ordinary police. At first, this new office in the various districts was filled by members of the SD and the officers were usually in the same building as the SD Central Bureau. The holders of this new office generally took over the SD Central Bureau office staffs. (p. 721)

The areas subordinate to the Inspector of Security Police and SD in Wehrkreis 6 comprised 6 Government districts Regierungs: Aix-la-Chapelle, Cologne, Dusseldorf, Arnsberg, Munster and Minden (p. 721). By the time witness took office these 6 had been reduced to the following four: Cologne, Dusseldorf, Munster, and Dortmund. In addition, there were 7 Criminal Police Offices and 4 SD Sectors. (p. 725)

The tasks of witness as Inspector of the Security Police and SD Police comprised inspection of the offices of the Gestapo, Criminal Police, Security Police, and SD. The witness was entitled to offer suggestions but had no particular jurisdiction over these offices. In general, he was charged with seeing that the decrees of the Reich Main Security Office were carried out (pp 961, 971). He also investigated alleged illegal activities of members of the Gestapo. (pp 723, 961)

The witness stated several examples of disciplinary action taken by SD police authorities against members of the Gestapo, which the commissioner declared were of no protective force because they related to offenses (bribery, disobedience, and fraud), which were not connected with criminal activities as defined in Article 6 of the Charter, (pp 961, 962)

H1093 – 0003

When the witness discovered friction between the SD, a Party organization, and the Gestapo, a Civil Service organization, he attempted to bring the officials concerned together in conference. He requested that they not report immediately to the RSHA but to him. It was Heydrich's idea, with respect to coordination between Gestapo and SD, that the SD should be the general staff and the Gestapo should be the fighting troops. The Gestapo members did not like to take orders from untrained SD men and the SD members were annoyed when the Gestapo failed to carry out non-authoritative requests from the SD. For some time it was a mission of the SD to pass judgment on the political attitude and behavior of Gestapo officials. (pp 981 to 983)

He helped to coordinate the work of the above offices and reported periodically to the Senior President of the Staff of the Higher SS and Police Leader within Wehrkreis 6. He came under the Reich Main Security Office and the Higher SS and Police Leader of Wehrkreis 6 and also Chief Senior President. As Inspector he received no orders from the Gauleiters but they, as Reich Defense Commissars, were entitled to issue orders to the Gestapo offices. Prior to September 1944 he was able to appeal orders received from the Higher SS and Police Leader to the Reich Main Security Office but after this date the Higher SS and Police Leaders came directly under Himmler and were independent of the Reich Main Security Office. He received no orders from Amt IV for execution but at the discretion of the officials in charge he could receive an information copy. The same was true of reports of the Criminal Police and SD. Toward the end of his career as Inspector, he became more insistent and there were fewer lapses in the reception of these information reports. (pp 723 to 726, 983)

The Gestapo was a pure State organization, not a part of the Party, and it was built according to the orders and jurisdiction of the ordinary police. (p. 725)

The Gestapomen who became SS men by reason of the "coordinating decree" wore SS field grade uniforms with SS insignia on the shoulder and on the lift arm SD insignia. Thus, to all appearances these people could have been members of SD or Gestapo or Criminal Police. (pp 960, 961)

As Inspector the witness investigated alleged illegal activities of Gestapo members and caused compliance with Reich Main Security Office orders. Politicians often reproached Gestapo offices as being too bureaucratic (p. 969). The tasks and activities of officers and employees subordinate to the witness were entirely free of any criminal quality (p. 970).

2. Legality of protective custody decree and other decrees

Protective custody measures were employed under authority given in an order of 28 February 1933. Such measures were employed in other European countries, in witness' opinion. In the beginning the Gestapo did not invoke protective custody on its own accord but only after complaint from the population, police and State offices, Party officials, or SD. The Gestapo had confidence men or agents but the SD had a much larger group of informers which extended into the population itself. After 1941 various orders were issued allowing the Gestapo to employ the practice of protective custody on its own initiative. The Gestapo had to take care of the families of people who were taken into protective custody. (pp 964, 967)

The witness heard of the "commando decree" (553 P.S.) on the radio but it never was enforced in his area because there were no prisoners taken there (p. 969). The witness did not receive the order requiring the Gestapo to investigate prisoner of war camps for the

purpose of determining which prisoners were racially or politically undesirable because the witness was not then Inspector but was Chief of Gestapo in Koenigsberg and all he had to do was to send an official to a Berlin conference. He did not know of this order in detail. He did not know that this order had been addressed to all Gestapo Headquarters in July 1941. (pp 971, 972)

3. Concentration Camps

Gestapo had nothing to do with the malconditions and atrocities committed in concentration camps (p. 983). There were no concentration camps in the entire area of Wehrkreis 6 (pp 967, 973).

Sometimes inmates released from concentration camps had to report to Gestapo officials and in that way the latter were able to get some information regarding the camps. Subordinates of the witness who received such information did not give him the impression that they had heard of the camps being run down and so the witness believed that his officials concluded that atrocities and cruelties did not occur. (p. 967)

There were two work camps in Wehrkreis 6 which were peopled by shirkers of work who had been arrested by Criminal Police and State Police and sentenced for 52 days. None of these were internees of concentration camps. The witness did not remember requesting reports from Gestapo Service Offices about security measures taken against internees of work camps who had come from Buchenwald nor did he remember a camp at Essen Schwarzepeth 13. Shown a letter from the Gestapo office at Dusseldorf 71344 to Sipo and SD Inspector in Dusseldorf (the witness himself) which reported that the checking up of work camps and concentration camps had been carried out and which mentioned that the work camp at Essen Schwarzepeth 13 was an intermediate camp of Buchenwald, the witness reiterated that there were no concentration camps in his district. This letter is Document 1063 P.S. (pp 974, 975, 976)

Witness admitted that Gestapo officials knew that people arrested under orders of the RSHA were to be sent to concentration camps but insisted that he did not know what was going on in the camps until he saw the film in prison at Nurnberg. (p. 976)

Summary arrests (protective custody) and procedure allowed for the use of the official supervision complaint. In cases involving people arrested temporarily, the chief of the office to whom the appeal was addressed could pass on it. Witness himself had several persons released under this type of appeal. In cases of appeals directed to RSHA where the arrest was temporary the RSHA passed the decision and in cases in which the RSHA had already ordered protective custody the appeal also went to the RSHA. (p. 966)

Officials were required to check every three months on whether persons arrested under protective custody procedure should be released. In the case of people in concentration camps, the Concentration Camp Commandant was asked to write a report to the RSHA regarding the behavior of the inmate and the necessity of his continued detention. Frequently the Gestapo recommended the release of individuals and the recommendations were ignored by the RSHA. (p. 966)

In 1943 witness received an order from the RSHA asking him to send into the concentration camps all workers who had been sent to the educational labor camps for shirking work. This order said that the concentration camps were to be replenished for armament work purposes and that was the reason for the transfer. Witness admitted that this order could have been dated 1942 but insisted that this was a one-time action, meaning that only those in the educational work camps at the date of the order were to be transferred to the concentration camps. (pp 977, 978)

H1093 - 0004

Witness had no connection with Einsatzgruppen except that some members of his staff were recruited for those groups. He knew of the existence of Einsatzgruppen from 1941 and the majority of Gestapomen knew this also (p. 974). On redirect examination the witness denied that the Einsatz groups were established to terrorize and insisted that they were organized to secure lines of communications (p. 987).

On cross examination witness denied that Gestapo carried out mass executions in concentration camp in his district. He did not know of Heydrich's secret orders No. 14 and No. 8 which are in U.S.S.R. 14. These exhibits were shown to him and it was demonstrated that these orders sent to all Gestapo offices directed that the Gestapo carry out mass executions and that Gestapo offices in the district be used for this purpose. Before carrying out executions Einsatzcommando leaders were to confer with Gestapo chiefs and executions were to be held outside of the camp limits and as quietly as possible. The witness had only a hearsay acquaintance with Kriminalreich Schiffer and knew nothing of Kriminalkommissar Raschwitz, both of whom were mentioned in Heydrich's order. (pp 984 to 986)

Witness knew the content of the "Bullet Decree" (Kugel Erlas) but had the opinion that it was not enforced in his area because if it had been, Gestapo officers would have had to report to him and this they did not do. Shown the decree, Document P.S. 1650, he repeated his contention and thought that the term "kugel" was a coded name, such as was frequently used by RSHA. (pp 968, 969)

Witness did not hear of Prussian order (21036 - P.S. 2108) entitled "The Gestapo Administers the State Concentration Camps", until after his arrest at the end of the war. He is sure that this order was never put into effect. (p. 967)

4. Activities of Gestapo in Wehrkreis 6 in relation to Jewish people

Prior to 1941 no protective custoy warrants were issued against Jews unless they violated regulations concerning them. After the middle of 1941 protective custody warrants were issued for the arrest of Jews, within certain age groups, at any time that the police officials received orders from the RSHA. This order extended to people who were living in marriage with a Jew. At no time were orders issued to witness or his subordinates for the extermination of Jews. (pp 965, 980)

Witness denied any knowledge of Gestapo participation in the anti-Jewish demonstrations of November 1938. He said he was on a honeymoon for three weeks starting on November 2, 1938. Immediately upon his return he was sent from Coblenz to Ebling and did not hear of what had occurred.

Witness received an order of the RSHA to the effect that judicial trial was no longer to be allowed Poles, Jews, and gypsies. He considered this a regular order because the Minister of Justice told the Chiefs of Security Police and the SD that trials which had formerly been held before the courts would now be held by police authorities. If the conditions of the decree were fulfilled in a particular case, the RSHA was informed and passed its decision. The Gestapo officials did not make direct decisions until a time toward the end of the war when they were allowed to decide independently with respect to Poles and East workers who were hanged or sent to a concentration camp when certain conditions were fulfilled. Accused persons under this order were to be interrogated on all matters and conditions concerning guilt and those convicted could be considered to have been found guilty. (p.978) Personal criminal intention and mitigating circumstances were considered in this investigation. Document L 316 U.S.A. 346 was read to the witness to the effect that the investigator should put himself in the position of the offender in judging the personal motives of the accused but that

H1093 - 0005

certain considerations which would be considered mitigating circumstances in the case of a German were not to be considered so when applied to the person of an alien race. With respect to aliens, personal motives which might have activated offender must not be considered. The sole standard should be whether or not German civil order has been threatened. Witness maintained that enforcement of this decree was not possible. (pp 979, 980)

In 1943 or 1944 a collective order was issued decreeing that social democrat factionaries and others endangering the security of the State were to be arrested. The police knew very well who were the people who endangered the security of the State. (pp 980, 981)

II. Evidence of Voluntary or Compulsory Membership

Witness testified that in time of peace there was, generally, no aspect of voluntariness, with respect to the officials who served with the Gestapo. Civil Servants, who had been members of the Security Police, the Political Police, the Criminal Police, and the Protective Police, were transferred to the Gestapo and had no chance to exercise discretion in the matter. Witness met only two officials who had voluntarily become members of the Gestapo after having served with the Security Police or the State Police. As far as lower employees were concerned, these usually chose their employment within the Gestapo, prior to the war, and were employed in technical or simple tasks. During the war these two were assigned to the Gestapo through the Employment Bureau without any element of choice entering into the matter and were given tasks, such as search Party work or guard duty. They received no identification tags and did not carry arms. Relatively few of the men commandeered to the Gestapo were members of the Party but later large numbers of SS members were transferred to the Gestapo and this increased Party membership within the Gestapo. Most of the Gestapo became members of the SS only at the time of the coordinating order. (pp 726, 727)

Gestapomen who applied for transfer did not do so because the activities of the Gestapo were criminal but for more personal reasons, such as religious preference and reluctance to obey the untrained personnel of the SD. Desire for better positions or better salaries was common motives for transfer. All such applications were passed on to the RSHA and to the best of witness' knowledge all were rejected. (pp 963, 964)

Frequently Gestapo members, including the witness, had cause to complain to the RSHA in Berlin regarding malconditions within the Party. No notice was taken of these complaints. (pp 969, 970)

It could not be said that there was any general voluntary membership in the Gestapo (p. 970). Witness himself had no possibility of leaving the Gestapo (p. 974). It seems incorrect to call men who had been commandeered from the SD, for example, in order to work with the Gestapo on special fields, such as church matters or State matters, members of the Gestapo. (pp 982, 983)

Summarized by:

J. S. CONWAY

H1093 - 0006

H1093-0007

SUMMARY OF EVIDENCE OF

W E R N E R B E S T

WITNESS FOR THE GESTAPO TAKEN BEFORE

A COMMISSION ON

5, 6 & 8 JULY, 1946

SUBJECT: The Structure and Development of the Gestapo; the Aims and Activities of the Gestapo; and Consideration of Witness' Book "The German Police"

Witness was an attorney and professional civil servant. From 1927 to 1933 he was a judge in the judicial structure. In 1933 he became an administrative official and in 1942 he was a diplomat. From 1933 to 1934 he was Regierungsrat in the Hessian Ministry of the Interior and the chief of the police department in this Ministry. From 1935 to 1936 he was Prussian Chancellor Governor (or Oberregierungsrat) in the Gestapo office in Berlin. From 1936 to 1940 he was Ministerialrat and later Ministerial-dirigent in the security police jurisdiction of the Reich Ministry of the Interior. From 1940 to 1942 he was a military official and from 1942 to 1945 he was Plenipotentiary in Denmark. He joined the SS in 1931. He never worked with the SS but was promoted within the SS according to his rise in the ranks of the civil service. From 1931 to 1933 he was Kreis-leiter of the Party in Mainz.

I. Activities Relating to Article 6 of the Charter

1. Structure and Development of the Gestapo as Set Forth in Witness' Book

In 1940 witness wrote a book entitled "The German Police". It was not an official publication, but a private one. Two subsequent editions were published. Prior to that time witness had written an article called "Political Police in the Third Reich" for publication in a book by Dr. Hans Frank, which was published in 1937.

The reason for the organization of a political police force arose from the fact that the previous system under which each police Hq. had a political department did not allow for unified handling of police authority in the different provinces.

Prior to 1933 the uniformed police had frequently been employed against the National Socialists, and it was in order to protect the police from reprisals from the Party that the witness formed in his district in Hesse a state police association for the political police, and a provincial police leader for the uniformed police. These new institutions were declared to be institutions of the National Socialist state in that they were given authority with respect to members of the National Socialist Party. These measures permitted the employment of many of the old professional policemen, who otherwise would not have qualified for any Party organization.

It was in order to avoid criticism of the use of police officials, who had hitherto belonged to other Parties, for the prosecution of Party members, that the witness supported the assimilation decree which required all civil servants to wear SS uniforms. This measure was very unpopular among the SS.

H1093 - 0008

The justice of the prosecution of political enemies must be considered in the light of the basic concept of National Socialism. The National Socialist idea of the state was a purely authoritarian one as can be gathered from the law of 24 March 1934 which transferred the authority to issue laws to the Reich Government. A similar law along this line was the Reich state law which gave the decrees and directives issued by the Fuehrer the force of law.

The legal basis for the police law of the National Socialist state was created by a decree of the Reich president dated 28 February 1933 and supplemented by decrees and directives issued to the police by the Fuehrer and Reich Chancellor.

The RSHA was created because Heydrich, the chief of the security police, desired that the different organizations attached to him should be fused as closely as possible. Therefore, these organizations under Heydrich were the security police, the Reich Ministry of the Interior, the office of the Gestapo, the Reich criminal police office and the SD central office. The central office of th security police was on a Ministry level. The Gestapo and criminal offices were central executive authorities and the SD central office was an SS office. After these were amalgamated into the RSHA, every part remained as it had been before this incorporation.

Witness was chief of the office of administration at law in the RSHA. As such he supervized the drafting of laws pertaining to police work. Together with Ministerialrat Dr. Ernst, he drafted the law of 10 February 1936 which created the Gestapo Amt.

2. Activities of the Gestapo

The functions of the Gestapo can be divided into administrative and executive functions. The executive part can be sub-divided into the political executive which is the counter-intelligence work in the narrow sense in the Reich security police. Administrative officials belonged in a category separate from executive officials because they had nothing to do with the executive work. They engaged in office work dealing with budget expenditures, procurement and accounting. The office over which the witness presided supervized the German passport law, the law pertaining to the policing of foreigners, and border regulations as effected by international agreements. Administrative officials did not come under the police law and they had no way of learning of the measures and activities of executive police officials. The counter-intelligence police division of the executive police dealt with the criminalistic research in cases of state treason. Prior to 1933, this work was under specially assigned officials within the central police offices in the individual German provinces. After 1933, these officials were taken over into the Gestapo and performed such work in Section III.

In 1935, witness was assigned as commission leader of Section III in the Gestapo central office in order to straighten out difficulties which had arisen with the Wehrmacht. The counter-intelligence police and the military counter-intelligence were independent of each other but were on the same level. The police organization dealt with individual cases, while the military counter-intelligence ascertained the purpose of the enemy. These institutions kept each other informed of current developments. Witness estimated that there were about two to three thousand people in the counter-intelligence police. Up till 1940 every case of state treason was transferred to the courts for trial and decision.

H1093 – 0009

At first the ordinary courts were able to check the civil or penal activities of the Gestapo. This was so particularly with respect to charges against Gestapo officials, but when organizational changes within the security police subordinated the Gestapo to the Ministry president and took it out of the Interior administration, the administrative courts took the attitude that they were no longer competent for such a check.

With respect to measures like the protective custody orders, an appeal could be made to an authority which was superior to that invoking the protective custody. In such a case anyone had the right to complain to the Fuehrer and Reich Chancellor or to any Ministry president of Prussia of any other German province. The war interrupted the Gestapo's plan for the organization of a protective custody examination commission for the review of protective custody orders. The police in individual cases did not act arbitrarily, but on the basis of decrees or directives. There were decrees, such as law # 4 on the union of Austria with the German Reich dated 18 March 1938, which allowed the named authority to create police leader standards which deviated from all pre-existing laws.

The duties of the Gestapo remained the same after 1935, so that it could not be said that the Gestapo became a criminal organization after that date. Its first duty continued to be the executive tasks of the penal laws as far as they contained political facts. In this capacity Gestapo employees acted as assistant employees of the state prosecution. Its second duty was the protective police measures to prevent political crimes. Protective custody was not the only protective police measure, nor was it the one most frequently applied.

The witness did not agree with the assertions of Assessor Dr. Gisevius, whom he knew slightly, (on pages 8633 and 8634 of the Record before the Tribunal) that it took only a few days to find out that the Gestapo was a criminal organization. He remembered that Dr. Gisevius would have liked to have played a part in the Gestapo and that his sentiments against the chiefs of the Gestapo, Diehls and Heydrich, came from the fact that they did not care to have him in the Gestapo.

As time went on, the Gestapo or individual members of the Gestapo, by order of state leadership, were used to take certain executive measures which required their activity in spheres entirely outside of the police duties of the Gestapo. These non-police measures were for political purposes. Drafting of such projects and the working out of the details did not originate with the Gestapo. Such was the employment of the Gestapo in the arrest of 20,000 Jews in the year 1938. This was not a police measure, but a political measure under state leadership. There were many non-police orders at later times on the same level, but with respect to its purely autonomous task up to 1940, the latest date of witness' knowledge, the Gestapo continued to execute its task in the same non-criminal fashion as during the first years.

Cooperation between German and foreign police started prior to 1933 within the international criminal police commission which was located in Vienna, and continued after that date. In 1939, Heydrich became chairman of this commission. A political police conference, called by the Gestapo, was held in Berlin in 1939 at which representatives from 50 foreign countries participated. Numerous foreign police officers had attended lecture courses in the training school and worked in the offices of the German security police, and they had ample opportunity to get acquainted with the work of the security police.

On cross-examination, witness was shown excerpts from his article of 1937. On page 421 he had stated that all attemps dangerous to the state were subject to the activity of the political police and that the term

H1093-0010

"dangerous to the state" included situations which were considered a menace to the state even though they might not have reached the stage of complete hostility. The state in this sense was to comprise all the tasks of leadership in the sense of the National Socialist idea, as well as the mere outward organic appearance of Government. Witness was asked whether he conceded the criminality of putting 20,000 people into concentration camps just because they were Jews. At first he avoided answering this question by saying that this measure was a non-police measure, and then he distinguished the question by saying that in a moral sense it was a crime and in a legal sense criminality would depend on the further question of whether the declaration of the will of the state leadership (that these people be arrested) had the character of law or not. Witness insisted that as far as the executive organs of the Gestapo were concerned, they had no opportunity to avoid executing the order and so were within the so-called self-defense provisions of the penal law.

Witness was read an excerpt from page 424 of his 1937 article to the effect that the means necessary for the performance of the duties of the political police were not chosen freely but were prescribed by the character of the problem with which they dealt and that the political police needed a free hand to choose any means necessary (which were not expressly contrary to existing regulations) to fight attempts which were dangerous to the state. Witness was asked whether this was not the basis for the authority of the Gestapo to throw people into concentration camps without judicial proceedings and to use third degree interrogations and other high-handed actions. He answered that he did not consider that this part of his 1937 article applied to an action like the arrest of the 20,000 Jews in November 1938, because the latter measure was not a function of the police work at all and his article related to police measures.

His attention was called next to page 425 of the same article which stated that the measures taken by the political police could logically be checked only by their own channels of administrative supervision. He agreed that this was true and that the supervision went all the way up to and included, Hitler. He admitted that as long as the activities of the Gestapo were consistent with maintaining Hitler in power, the Gestapo had a free hand in political police circles but he insisted that this was true only within the framework of orders and directives.

Witness was reminded of a statement in his book that as long as the police carried out the will of the leadership, it was acting legally, and he stated that this was an expression of his theory that within the National Socialist state, right is made when the state leadership, with the intention of making a law in a certain sphere, voices its will. An individual order referring to a matter which was not a matter of police law would not come within that statement.

The attention of the witness was called to a quotation on page 109 of his book which stated that members of the Gestapo were trained in National Socialist ideology and in SS concepts. He replied that this was done to the same extent as happened in other state and civil service schools in Germany. He denied that the ideological training of the police was handled by the SS and he stated that fully one half of the Gestapo organization, which was composed of older officers, did not not receive ideological training, although it had been Himmler's wish that the Gestapo should receive instruction from the SS. Witness admitted that the executive functions of the executive department of the Gestapo could not have carried out its tasks unless there was somebody to perform the administrative functions.

H1093 - 0011

On further cross-examination, the witness admitted that in certain respects his book did not correspond to the real situation. For instance, his book reflected the tendency existing at the time of its publication to incorporate the SD into the general framework of the police. He said that this was the desire of Heydrich who was chief, both of the police and of the SD. As events actually worked out, when Ohlendorff took charge of the SD, it gradually relinquished its interest in the intelligence of the enemy and occupied itself with the so-called supervision of spheres of life. The witness claimed that this development was not indicated at the time he wrote his book. However, further examination elicited from him the information that Ohlendorff took over Amt III in 1939 and that his book was written around 1939 and 1940 and was published in 1940. He said it was around that time that Ohlendorff gradually developed his new tendencies. Witness said that he made no changes in these basic descriptions in his 2nd edition which was published in 1941.

An excerpt from a review by Dr. Stuckart of the witness' book was read, in which the reviewer predicted that the book would become the digest and reference book for the officials of police in the interior of the administration. Witness conceded that his book was reliable reference work with respect to the different authorities and training schools, but he denied that Stuckart was in a position to evaluate the book with respect to the development of the police, particularly of the SD which was a young organization and still in the process of growth.

3. Organizations Technically, but not Properly, Within the Gestapo

As was the case with the counter-intelligence police, the border police work was originally handled by specially assigned officials at the various police offices. The resulting inefficiency was the cause for the reorganization of the border police as an organ of the Reich within the framework of the Gestapo. These policemen checked passes and passports, controlled border traffic, cooperated with foreign police forces, and checked for persons and objects contained on the search register of the German police. There were at the beginning of the war about 3,500 or 4,000 people in this service. The nature of this work did not change during the war. Border police did not have any factual interrogations or third degree activities since they had no factual records. Their only interest was in the identification of an individual.

The Reichssicherheitsdienst was a part of the security police only in the sense that it was carried on the budget of the security police and that its employees had to qualify under civil service requirements. The commissioner of this department was not subordinate to the chief of the security police but was directly under the chief of the German police. Members of the Reichssicherheitsdienst were used exclusively as personal guards of prominent individuals. This organization came into existence in 1934. Its members were civil servants of the Gestapo but were given special assignments. It had been planned that this work should last for a certain tour of duty, but during the war years men so assigned remained at their posts.

Members of the Abwehr Beauftragte (counter-intelligence in the factories) were selected in 1934 and 1935 by the military counter-intelligence, but after 1938 the Gestapo also appointed such agents. These men saw to the execution of secret orders and guarded against sabotage. They were neither members nor employees of the Gestapo, but were executive employees of the factories. In some factories these agents had under them executive organizations such as the Werkschutz which could not be considered a part of the Gestapo either. Their job was to guarantee the external security of the factories. Occasionally the Gestapo would give them instructions as to the possible dangers which might threaten a factory.

H1093 - 0012

4. Anti-Jewish Demonstrations of November 1938

The witness remembered a meeting called by Heydrich with his criminal police offices, Gestapo offices and SD offices. That evening witness was with Heydrich at his hotel and observed the latter's surprise when he saw a synagogue on fire within 15 meters of the hotel. Heydrich immediately went to Himmler and transmitted the orders received by teletype late that night. Heydrich was very angry in front of the civil servants assembled there.

5. Third Degree Interrogations and Concentration Camp Statistics

The witness reneged at the use of the term "third degree" in describing what he called "severe interrogations". He did not hear of the decree which authorized this type of interrogation until some time after it had been issued and he at once told Heydrich his scruples concerning it. Heydrich informed him that the measure had been approved by a very high authority and that similar methods had been used in other countries. Heydrich also said that he had reserved for himself the final approval of such measures in Germany and he would see to it that they were applied only in the most urgent cases.

The witness was shown document 1531-PS (USA 248) which enumerated the severities of the third degree interrogation, and remarked that the specified punishments went further than the punitive measures which were permitted by German police.

The witness' office dealt with disciplinary affairs of the Gestapo and criminal police and, therefore, he was able to tell that the excesses which occurred in the use of the third degree interrogation methods were kept within reasonable bounds. These abuses were punished by normal disciplinary measures and such punishments were handed down by the ordinary courts. Witness was under the impression that the Gestapo became subordinate to the SS judiciary only after the beginning of the war.

The attention of the witness was drawn to a law of 10 February 1936 (2109-PS) which attributed the administration of state concentration camps to the secret police office. He said that this reflected Heydrich's desire, but was never put into effect because Himmler wanted to keep the concentration camp organization as it was, that is, under a special inspector who was immediately under Himmler.

Since 1937, concentration camps contained criminals who had been sent to them by the criminal police, as well as individuals who had been taken into protective custody by the Gestapo. At the outbreak of war, the concentration camps held approximately 20,000 inmates, not over half of whom were political prisoners. The political cases were further sub-divided into 20% long and 80% short-term arrestees. The entire jail and prison network of the German judiciary system contained at that time approximately 300,000 inmates, one tenth of whom had been sentenced for political crimes. Thus, three times as many people had been sentenced for political crimes by the courts as had been incarcerated by the Gestapo. The actual work of transferring criminals into the concentration camps was held within the sphere of the Reich police office.

Arrests for criminal cases were called security arrests and those for political cases protective custody arrests. The witness believed that criminal cases were employed for labor more often than were political arrestees.

H1093 - 0013

On cross-examination, the witness was shown a document which stated that the commander of the security police and the SD was authorized to use of third degree in order to avoid excesses and which mentioned the variety of methods used to date in Cracow. Witness stated that it was his impression, as gathered from conversations with Heydrich, that this type of interrogation had been adopted in order to seek out conspiratorial associations which had come into being at that time.

Witness admitted that it was a common practice to put hardened prisoners into concentration camps together with political prisoners but denied any knowledge of the fact that habitual prisoners maintained much of the discipline within the camp by means of brute force. He believed that he would have received complaints which would have informed him of uncomfortable conditions within the concentration camps, even though it was not within his competency to remedy matters in that sphere. He did not believe Heydrich had at his disposal any more information regarding concentration camp abuses, because the witness believed that Heydrich's temperament would have impelled him to protest against such a thing at once. However, after the outbreak of war Heydrich did not have a chance to interest himself in such matters.

With respect to the statement of the witness in his book that the rightness or wrongness of the rules laid down by the Nazi Party leadership were no longer legal questions but matters of faith, the misuse of which, through violations of the laws of life would be punishable by fate in history. Witness conceded that Nazi leadership had sinned against the laws of life and that fate had punished. The witness was asked if it was his contention that although the Gestapo was a principal agency in carrying out the will of the leadership, it should be excused of responsibility because all that it did as an organization was to carry out the will of the Nazi leadership, and he answered that this was not his contention. He was not making a point as to whether orders or decrees which were issued by the leadership were crimes in the sense of the penal code, but he did wish to establish the point that the individual executive organs should not be punished because of the state of emergency under which they acted. The Gestapo was only an executive instrument and the measures which today are criticized as crimes from a moral point of view were not derived from police authority but were ordered by higher authorities. These measures were not the primary tasks of the Gestapo but were non-police measures, outside of its real task, and Gestapo members had to carry out those measures or forfeit their lives.

6. Activities of the Gestapo Against the Church

Witness denied any knowledge of the organized fight of the Nazi Party against the churches. He did admit that propaganda emanated from certain offices. He could not recall having come across any evidence of an active fight by the Party against the churches during the course of his police work. The Gestapo did not aid the Party in any such activities, although it did deal with individual cases of hostility to the state on the part of certain churchmen or church groups. Witness testified that, as far as the church revealed hostile political tendencies, the steps taken against it were within the exclusive jurisdiction of the Gestapo.

Witness did not remember manifestations which were made by the Party against the Bishop of Gotheburg. He was shown a teletype which he had sent to the Gestapo in Nürnberg/Fürth on the subject of these manifestations (document [illegible] 753). This telegram gave the content of the telegram witness had received from Muckart to the effect that the Party had carried out a child demonstration against Bishop Sproll by means of 3,000 people brought in from the outside, that the action got out of hand, and that the [illegible] reports regarding the damage done and the suppression of counter mass meetings would be sent later. Witness insisted that this

H1093 – 0014

did not lie within the proper activity of his office, but thought he might have transmitted the document, acting for someone else who was not present at the time. He believed that it could have been a matter dealt with by Heydrich or Himmler. His attention was called to the fact that this telegram came from the Gestapo office in Stuttgart and it was sent to the Gestapo in Nürnberg, and also to the fact that it was the chief of the Gestapo office in Stuttgart who said "I have to prevent any counter-demonstrations".

II. Evidence of Voluntary or Compulsory Membership

The Gestapo was a civil service agency and its employees were subject to transfer without any prior notice or consent, just as a judge or any other official would be. A detective had to obey an order which sent him to a Gestapo office and an administrative employee was likewise bound to obedience when he was transferred to the Gestapo. Refusal to obey such a transfer order would result in disciplinary action and, possibly, would lead to more severe consequences if it were known that the motive for refusal was a political one. There was no inducement to become Gestapo men in the way of a higher salary.

On cross-examination, the witness testified that Gestapo men were transferred around from office to office and from function to function but always remained within their qualifications. He admitted that quite possibly a border policeman would perform executive functions in a Gestapo regional office, but he said that after the outbreak of war no one transferred from the border police. He did not know of any instance in which a policeman was disciplined for failure to obey a transfer order and he thought that such a man would have lost his job and also, possibly, would have suffered police action.

III. Knowledge of Criminal Activities

Witness testified that the Einsatzgruppen were not attached to the Gestapo but had been activated on the basis of the mobilization order for employment by the Wehrmacht. It was only after stabilization of the military situation that they took up connection again with the chief of the security police.

Witness heard of the Polish campaign for the first time after it had started.

Witness knew nothing of the Bullet Decree until he read about it in Nürnberg, and he was first informed of the Commando Order by the Military Governor of Denmark. No case requiring the application of the Commando Order ever occurred in Denmark.

Witness knew of the Night and Fog Decree also but this again was never applied in Denmark.

H1093-0015

SUMMARY OF EVIDENCE OF

WERNER BEST

WITNESS FOR THE GESTAPO TAKEN BEFORE

A COMMISSION ON

5, 6 & 8 JULY, 1946

SUBJECT: Reference in Witness' Book "The German Police" to the Work of the SD

During the course of his testimony, the witness gave evidence for the SD.

I. Activities Relating to Article 6 of the Charter

In view of the fact that the witness' book "The German Police" contained references to the German Interior Intelligence Service, witness was asked whether the SD was part of the police. His answer was in the negative. Anything in the witness' book which indicated that it was the duty of the SD to support the security police was put in because at that time such a task might have been intended for the SD. Recent organizations frequently changed their ideas of what belonged within their duties and the idea of this purpose for the SD experienced a change. In time the SD dropped its research of enemies and limited itself to the so-called "sphere of life" work. To make up for this gap, the executive department of the Gestapo created its own intelligence service. This change occurred at the time that Ohlendorff took over the SD which was about the time of the publication of the witness' book.

Summarized by: J.S. CONWAY

H1093 - 0016

SUMMARY OF EVIDENCE OF BRUNO BIEDERMANN WITNESS

FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

27 JUNE 1946 TRANSCRIPT PAGES

28 JUNE 1946 TRANSCRIPT PAGES

SUBJECT: Organization, duties and aims of Corps of Political Leaders.

Witness joined the Party in 1925 and until 1933 acted as a Kassenleiter (treasurer) of a local group. In 1933 he was active with Landesbauernschaft (land farmer group) of Thuringia. A short time later he became a full time employee of the Party and until 1936 acted as Gau Business Manager in Thuringia. In 1936 he took over the Office of the Personnel Section of the Gau, also fulfilling the functions of Gau-inspekteur. He also acted as the leader of the Gaustabsdmt, Without his knowledge he was made an honorary member in the SS as Oberfuehrer.

I. Activities Relating to Article 6 of the Charter

1. Evidence Relating to Organization Book of Party

(a) In General

The Organization Book of the Party could not be considered as a directive to Party leaders on a comparable level with the Army Field Instruction Book which had to be strictly adhered to. Many political leaders looked at the Organization Book because it contained colored pictures, etc. The witness did not know of any who actually studied it and used it in their work. He considered the book as one of "theoretical speculation", not in accord with the actual practices of the Party.

(b) Concept of Hoheitstraeger

The concept of Hoheitstraeger referred to the determination of total responsibility in the Party. Although the Organization Book included the Blockleiter and Zellenleiter in this classification, in actual practice it was restricted to the Gau, Kreis and Ortsgruppen-leiter. Orders relating to the Hoheitstraeger were cited and the witness testified that the Blockleiter and Zellenleiters did not operate within the orders.

The newspaper, "Der Hoheitstraeger", was circulated down to the Ortsgruppenleiter. The Blockleiters and Zellenleiters did not receive it.

Although all tasks of the Party were of a political nature, the offices and the staff of Hoheitstraeger concerned with propaganda and press and training "had the political task of addressing the people and spreading the gospel to them," whereas, staff officers, organization officers and personnel officers were more concerned with administrative tasks.

(c) The Distinction between "Call to Office" and "Appointment to Office"

The fourth edition of the Organization Book (PS-93) makes a distinction between a "call to office" and "appointment to office" ("berufung" and "ernennung"). Witness explained that Party member was

H1093-0017

usually appointed to office for a probationary period of six months and thereafter the office officially turned over to him if his service was deemed satisfactory. He was, in other words, then officially appointed to office and received the necessary rank of the office. Therefore, if the indictment used the term "political leader" in terminology of the Nazi Party, all those holding office without being expressly appointed would have to be excluded inasmuch as the term referred only to one who had actually received his appointment. In particular, he Blockleiters and Zellenleiters during the war often performed the functions of the office without being actually appointed as a Party leader.

2. Conferences of Political Leaders

The witness participated in all conferences of Gau and Kreis office holders in Thuringia for about 12 years. Conferences were not secret. If the office holders were unable to attend deputies were sent. In addition, the Lord Mayor and provincial State officials often attended. At the conferences the Gau office holders gave reports and the Kreisleiters in turn gave reports to them. At the end the Gauleiter himself gave a political survey. Witness stated that in Thuringia none of the discussions were with regard to aggressive warfare, outrages, etc.

3. Attitude of Political Leaders towards Points in Party Program

Political leaders believed that Points One, Two and Three--demands for the union of Germans, abrogation of Versailles Treaty and demand for colonies could be attained by peaceful means.

4. Relationship to the SS

The statement in the Organization Book wherein the Hoheitstraeger--even including Block and Zellenleiters--had right to mobilize SS is incorrect. Witness testified that during Party demonstrations the Hoheitstraeger could request leaders of SS or SA to participate but no political leader had the right to mobilize any organization of the Party.

5. Concentration Camps

The witness believed that the concentration camps were under the jurisdiction of the Reichsfuehrer SS in his capacity as Chief of Police. The political leaders had no connection with the camps except for instances where Kreisleiters and Gauleiters exerted pressure to obtain release of certain individuals from the camps.

6. Anti-Semitism and the Church

Political leaders thought the Jewish problem could be solved by isolating them in their own territories, such as Palestine. On cross examination the witness was asked concerning a directive of 7 June 1933, which the Gau office in Coblenz sent to Kreisleiters setting up committees to supervise various communities in Jew-baiting. Witness denied any knowledge of this directive and claimed all measures against Jews in Thuringia were carried out by State authorities. However, he admitted that it was part of the duty of political leaders to spread the doctrines of the Party and that, of course, race doctrines and anti-Semitism were part of Party doctrines.

Witness testified that no outrages directed against ministers or against religious services occurred in Thuringia; that none of the political leaders there were ever asked by the Party to leave the Church, nor did they request any of their co-workers to leave the Church.

H1093-0018

7. Foreign Labor

Sauckel issued innumerable orders directing that foreign workers be treated humanely. For the purpose of carrying out these orders the Gauleiter appointed a special official in Thuringia and issued orders to him as well as to the State Labor Office to the effect that his orders should be strictly carried out. In cases where foreign laborers were mistreated the German supervisors involved were punished. On cross examination the witness was asked about Document PS-315 which related to a conference of 12 March 1943 held by the Ministry for Enlightenment and Propaganda which was concerned with raising working standards for the laborers, particularly those from the East. Also Document PS 205, a circular letter, sent by Bormann to Gauleiters, Kreisleiters, and Ortsgruppenleiters, directed that workers be treated so that a minimum of unfavorable consequences to the Reich would occur--forbidding beatings, etc. Witness was asked why such orders were necessary if laborers were not being mistreated. He admitted that some instances of mistreatments did occur, but that it was the function of the Party to prevent such things.

Summarized by:

D. M. HUNT

H1093 - 0019

SUMMARY OF EVIDENCE OF WALTER BLUME WITNESS

FOR THE SS ORGANIZATION TAKEN BEFORE

A COMMISSION ON 25 JUNE 1946

TRANSCRIPT PAGES

SUBJECT: Organization and development of the Waffen-SS from 1944 to April 1945. This testimony supplements that of the witness BRILL.

The witness became a member of the SS in 1940 when he was Adjutant with the General Inspector in the Main Office of the Order Police in the Reichsministry of Interior. As first lieutenant in the Regular Police he was turned over with thesame rank to the SS. He was a Party member since 1940. From August 1943 to April 1944 he was 1B in the SS Fuehrungshauptamt (Main Leadership Office of the SS). From May 1944 until the capitulation he was 1A in the organization Abteilung of the SS Fuehrungshauptamt (Organization Branch of the Main Leadership Office of the SS).

I. Activities Relating to Article 6 of the Charter

1. Numerical breakdown of the Waffen-SS during the period December 1944 to April 1945

The numerical strength of the Waffen-SS, including formations in the Army, in the Reserves, in the SS Schools and in the SS Home Service, from December 1944 until April 1945 was 580,000 officers, non-commissioned officers and men. These were divided as follows:

2	Foreign Unit Commands	15,000
18	Independent Corps Troops	10,000
40	Divisions	430,000
7	Small Foreign Groups and	
1	Germanic Group	10,000
1	SS Reserve Army	115,000

Concentration camp guards are not contained in the total of 580,000. They do not properly belong in any enumeration of Waffen-SS troops. The latter were just like Army units, under the direct command of Army leaders in the South, West and North with the single exception that SS troops were under the SS Main Leadership Office in affairs of personnel, clothing and equipment. Concentration camp guard units did not belong to field units of the SS nor to the Reserve Army of the SS but were under the command of the Economic Main Administration Office Branch DORA (W.V.H.A.).

The total of 580,000 did not include casualties incurred by the Waffen-SS during the war. The witness estimated casualties to be somewhere between 300,000 and 350,000.

Of the 580,000, the following division could be made: 160,000 were foreigners ("Germanics"), 160,000 were Germans from outside Germany, and 260,000 were actual Germans.

II. Evidence of Voluntary or Compulsory Membership

Witness testified that in 1944 and 1945 125,000 Germans were transferred into the SS from the Army, Navy, Air Corps, and police. This transfer was put through without any volunteering on the part of the personnel involved. These 125,000 men were all Germans and should be considered in relation to the total of 260,000 actual Germans in the

H1093 - 0020

Waffen-SS rather than in relation to the general total of 580,000 Waffen-SS members.

III. Knowledge of Criminal Activities

Witness had not heard of the Einsatzgruppen until he learned of the statements of Ohlendorf before the Tribunal. Consequently, he had not known that Waffen-SS men were suspected of having participated in these groups. In regard to this, witness expressed the belief that any transfer of Waffen-SS men to the Einsatzgruppen would have reflected on the monthly reports which the field units made to his office on their technical organization and personnel strength. No such transfers were indicated on the reports which he received.

Summarized by: J. S. CONWAY

H1093 - 0021

SUMMARY OF EVIDENCE OF HANS BERNHARD BRAUSSE

WITNESS FOR THE SS. TAKEN BEFORE A

COMMISSION ON 5 JULY 1946

TRANSCRIPT PAGES 3468 TO 3489

SUBJECT: 1. Education and training of members of Waffen-SS, with respect to law and discipline.

2. Set-up of Special Courts-Martial.

Witness entered the SS Reserve Unit in summer of 1939, receiving rank of SS Sturmbannfuehrer, which is equivalent to same rank as a Courts-Martial officer of the Army. Previously he had been active as an Assessor in the German Justice Department. Witness holds the degree of Doctor of Jurisprudence.

I. Activities Relating to Article 6 of the Charter

1. Education and training of members of Waffen-SS with respect to Law and discipline

a. In General

The witness testified that for many years it was his duty to educate members of the SS in the law. He was active in the center of the court-martial system of the Waffen-SS--the so-called Main SS Court in Munich. This education was carried out in various ways: (1) A decree of 1940 from the Main Office of SS Court provided that SS troops were to be instructed at regular intervals on court-martial procedure. Enlisted men as well as officers were included. The court-martial officers were especially instructed. (2) The Main Office SS Court issued quarterly instructions concerning the court-martial system. This consisted of the distribution of little booklets containing from 20 to 40 pages, which were issued to all officers and units under the SS court-martial system. In these booklets the layman received information concerning all phases of the court-martial system. Punishments of the various SS Courts were published in them. (3) Witness and co-workers conducted a course at the SS Junkers Schools for officer candidates in military and disciplinary law and in international military rights. The supervising officers took courses in military law at the Main SS Court in Munich.

The aim of the above education was to increase consciousness for law and order and to ensure the preservation of discipline. No special SS ideologies were involved.

2. The SS Oath

The oath of the SS was taught in connection with bravery and loyalty. It was the oath of a soldier but in a more personal form. No absolute obedience was required. It was a basic principle of the SS that the leaders were not to request any unlawful or criminal actions.

3. Obedience

Blind obedience was not taught. A person was not allowed to carry out an order if he noticed or found that the basis of an order was a criminal action. However, the main responsibility for an order must rest with the leader. During war a soldier cannot check every order to

H1093 – 0022

ascertain if it is legal. He must be able to depend on his leader in this respect. Therefore, officer candidates were taught that the leaders could not ask soldiers to carry out unlawful or criminal actions.

4. The Keeping of Secrets

The duty to keep quiet was a requirement of the SS, along with truthfulness, wakefulness and guarding against bribery. The basis for it was an order of Hitler's of 11 January 1940, according to which nobody was to concern himself with anything which was none of his business. Therefore, the SS did not concern itself with other groups. Persons who violated the oath of secrecy were liable to be sentenced on the grounds of "treason through negligence".

5. Teachings relative to Treatment of Foreign Races or the People of Foreign Countries

An SS order of 1939 pertained to the "understanding" of foreign races and foreign people. It required a complete, correct, decent and friendly treatment towards them, together with a certain amount of reserve. The same thing was also required towards Jews. SS men were taught to maintain an honorable attitude towards the women of foreign nations. They were especially warned against plundering. An order by Hitler of 7 July 1940 required the maintenance of the strongest discipline, with respect to civilian population. He especially warned against conduct due to excessive drinking. This order was published in notices of the Main Office of SS Court. It was again reprinted in September 1941 at a time when the Waffen-SS fought in Russia. The witness was in Russia in 1941 for several months acting as a Division Judge. He noticed that these orders were not always carried out, in the respect that the troops did not always maintain the reserve expected of them but were very friendly and cordial with the population.

6. International Laws of Warfare

Officer candidates at SS Junkers Schools were instructed in the contents of Hague Rules of Land Warfare and the Geneva Convention. These measures were to be obeyed. The men were taught how the wounded, the medical men, the prisoners of war, the spies, or partisans were to be treated.

Witness believed the troops fought in accord with international law in orders of warfare. However, there were some excesses and some individual criminal acts but, in general, such cases were severely punished. Rape and plundering carried a death sentence. Witness knew of instances where enemy fliers had been killed and stated
that there were severe punishments for this type of action. Excessive measures were usually caused through cruelties on the part of the enemy. On the whole, the units acted honorably and disciplined--they had been educated to chivalry.

7. Special Courts-Martial

Under the German Court-Martial Manual, a provision was made for the Standgerichte (Special Courts) to handle special cases. These courts were in addition to the regular courts-martial. In these special courts it was not necessary that a military judge preside. An officer in charge was sufficient. They were intended for special immediate cases where the regular judge was not available. According to law, they were especially used against partisans. On cross examination the witness stated that under SS judicial law members of the Waffen-SS could be tried by these courts and

civilians could also be tried by these courts if they engaged in crimes against the Army or the Armed Forces. The most frequent crimes were those concerning property and deadly assault. These courts had the power to impose the death penalty. Witness stated they operated throughout the entire German Army, not just in the SS. It was not required that the records of these courts be sent to the Main Office SS Court in Munich. However, sometimes they were sent in. Witness upon checking them found that they were always in order. The accused had the right to defend himself in these courts.

These Standgerichte had nothing to do with the Standgerichte of the Gauleiters. Witness also mentioned another kind of Standgerichte, which had been set up by decree of the Reich Commissar of the Netherlands. In Denmark and Norway the SS Standgerichte did not operate. Offenders were sentenced by regular police courts there.

On cross examination the witness testified that he never sat in the special courts or had anything to do with them. He was asked whether he knew that if Poland, Frank and SS Chiefs used these courts to exterminate the intelligentsia of the Polish race and that this action was carried out by SS Obergruppenfuehrer Krueger and Strechband. Witness stated that the courts referred to had nothing to do with the judicial system and probably were instruments of the police.

8. Ratio of Criminality in the SS

Witness testified that 3 percent is the normal criminal rate under civilian justice. SS men had a rate of less than 1 percent. During the first years of the war the ratio of criminality of the SS was smaller than that of the Army but during later years it was on the same level. He attributed this to the fact that the SS men were not able to select members on their own basis.

II. Knowledge of Criminal Activities

1. In General

Witness did not know that on 30 June 1930 the Regular SS was supposed to have committed murders. He stated that this attempt of 30 June 1930 was generally considered an effort to overthrow the Government by a few professional putsch makers and that high treason against the country had to be prevented. Hitler had promised that the excesses would be punished by regular courts. Witness never thought that the SS could be used for criminal actions. He thought that Hitler attempted to achieve lofty goals in a straight forward way. He never believed there would be a war.

On cross examination an excerpt from Document 1851 PS--US 040, a command of Himmler's,was read: "I know that there are some people in Germany who become sick when they see these black coats. We understand the reasons for this and do not expect that we shall be loved by too many."

Witness didn't agree that the SS was a terror organization. Himmler had announced he would fight all types of crimes and criminals and naturally they would fear him. However, he later admitted that Hitler had disappointed them.

Witness stated that some units of the Waffen-SS were used to put down uprisings in the Warsaw ghettos but the propaganda of the SS did not ask for the extermination of Jews. People who were guilty of murdering Jews or raping Jewish women were sentenced severely. An excerpt from Himmler's Kharkov speech, Document 1919 PS, was read wherein Himmler expressed the view that anti-semitism was exactly the same as de-lousing and stated that "We shall soon be de-loused." The witness stated that if

H1093-0023

Himmler actually said that, the men of the SS would never have approved it--that he never heard that speech before.

2. Treatment of War Prisoners

On cross examination the witness testified that he served on the Oder (River) front. He denied that Soviet prisoners were terribly treated. Another excerpt from Document 1919 PS, taken from Himmler's Posen speech, was read wherein he stated that Russian prisoners died by tens and hundreds of thousands of exhaustion and hunger, and, while it was not regrettable, it was deplorable that this labor material had been lost. The witness stated he didn't know of this speech and never saw conditions like that. Prisoners were loaded in trucks and the troops gave them food and cigarettes. They were later handed over to collection camps for prisoners of war.

3. Slave Labor

Witness knew that the SS had recruited volunteer workers for Sauckel in the East. Document PS 744 Ex. US 455, a letter of Himmler's, dated 5 August 1943, was referred to. Twenty-one copies had been sent to various offices of the Waffen-SS, including the Main Office SS Court. A postscript on the letter read as follows: "I order that all young female prisoners, capable of work, are to be sent to Germany for work through the agency of Reichs Commissioner Sauckel. Children, old women and men are to be collected and employed in the women and children's camps established by me on estates as well as on the borders of the evacuated area." Witness testified he didn't know of this letter. The Main Office SS Court received a large number of orders which did not concern them.

Summarized by:

D. M. HUNT

H1093 - 0024

H1093 – 0025

SUMMARY OF EVIDENCE OF FRANZ BOCK WITNESS

FOR THE S.A. ORGANIZATION TAKEN

BEFORE A COMMISSION ON 9 JULY 1946

TRANSCRIPT PAGES

SUBJECT: Training of SA men was not such as to develop skill in the use of arms and methods of warfare.

Witness belonged to the SA since 1922. In 1928 he entered the leader career, being first Scharfuehrer, then Truppfuehrer, Sturmfuehrer and Sturmbannfuehrer. From this time on he held the following jobs at the following times in the SA Organization: 1932—Adjutant of Obergruppenfuehrers in Coblenz, Frankfurt and Munich; 1934—command of Standartenfuehrers in Traunstein, Oberbayern; 1935 to 1937—Brigade Leader in Dusseldorf; 1936—in charge of an instruction course for Sturmbannfuehrers in Dusseldorf; 1937—in charge of creating an SA Amt for Social Welfare in Munich; 1939—transfer to the chief Amt of instruction in the SA; 1940—entered the Army; and 1943 until the capitulation was Chief of SA Fuehrer Niederrhein at Dusseldorf.

I. Articles Relating to Article 6 of the Charter

1. Non-military nature of SA training. Explanation of articles and documents which indicate military training.

Prior to questioning, the witness' Defense Counsel called the attention of the Commission to an article of 19 March 1938 from Document 3050 P.S., entitled "We Were the First!", which related to the march into Austria. The quotation concerned the experiences of five members of the editorial staff of the SA Mann who crossed the border with the German troops at Mittenwald. In addition, Counsel mentioned that among the documents of the Prosecution there was what purported to be a photograph of SA men taken during this movement but that this was only a cartoon. Finally Defense Counsel cited a paragraph from Volume 1937 of the SA Mann, July 3, 1937, page 12, from the article entitled "The War of Tomorrow". This paragraph, Counsel said, had been forgotten by the Prosecution and was to the effect that physical ability and ideological composure had nothing to do with militarism and that no one should see any aggressive conception in the defensive part of the people. The German people refused Bolshevism and imperialistic war alike but would undergo any sacrifice for the existence and security of the Reich.

Witness was shown a document taken from the SA Mann of February 3, 1939, page 3, and his attention was called to the descriptive heading under a picture of General von Brauchitsch and Chief of Staff Lutz, attending a celebration for them by the Berlin SA. Questioning concerning this document elicited from the witness the testimony that SA schools instructed in political soldierdom merely. Political soldierdom was to be interpreted as requiring in a member inner and outer composure, political conviction, a voluntary will for defense, and a voluntary readiness to serve the people and the State, comradeship and personal cleanliness of the member and of his family. Emphasis was not placed on the military concept of soldierdom but on the moral concept. Considerable stress was laid upon the defensive ability of the individual to defend himself in all situations of life. This was without any relation to military education or instruction. In summary, the aim was to maintain the moral defensive powers of the people.

The phrases quoted by the Prosecution, such as "fanatic love of the fatherland," "education to high will of aggressiveness," and "boys' trained for sport," refer to moral readiness for defense. The

H1093 - 0026

Fuehrer himself in Chapter 9 of his "Mein Kampf" specifically negatived any idea of the SA as military or free corps.

The wish of the Supreme Commander of the SA to promote the physical and moral readiness for defense was not to be identified with desire for aggressive war. The members of the SA recalled the deterioration of the German people after the first World War and the economic breakdown which had followed it and they sought to prevent the repetition of such disasters by keeping up the moral strength and defensive power in the man.

The Supreme Command of the SA did not think of an aggressive war because it was aware that all around Germany there were open borders and hostile neighbors.

The SA used the terms "combat instruction" and "soldier spirit" as means of achieving efficiency. The SA had a uniform in order to give the members a feeling of unity but the uniform was highly impractical for any military purposes. At first the SA did not have weapons but from 1933 on some members, especially the leaders, had honor daggers. After 1933 SA leaders, in common with other German citizens, were able to secure pistols if they had licenses for them.

Witness was shown various parts of Document 3050 P.S. With respect to article of February 10, 1934, page 7, dealing with hygienic methods to be observed on a march, he declared that this was not exclusively a military article. He then made the explanations set forth below for various articles taken from this document and originally published in the SA Mann.

Pistol Shooting Sport

Specific instruction warns against interpretation as rearmament measure and insists on exclusively athletic purpose.

Flame Throwers at the Front

A souvenir article from the World War.

The Marching Steps of the SA Are Resounding on the Streets

Referred to a propaganda march.

"Arbrigate 6"—March for the German Danzig

Election propganda march for an SA inspection.

Sport as Military Training

Referred to an article regarding Army sport.

Whoever Fights Us We Will Beat Him Down; Whoever Provokes Us We Will Attack Him

Political (Non-Military) article regarding the church struggle.

From the Place of Work to the Machine Gun Dreyse

Article regarding the experiences of SA men while in the Army.

Article SA Man as Border Guard

Experiences of SA man drafted as auxiliary policeman.

H1093 - 0027

Return to the Brown Shirt from the Field Blue Tunic

Story by SA man who has returned after a year of Army training.

SA Man at the Heavy Machine Gun

Similar to those above.

SA Duty in the Air

Story of a visit to an airfield.

Speed Safety and Without Error

Sports article

Youth Training and Wehr Education

Referred to Army tactics outside of the instruction intended by SA.

Various Articles Dealing with Gas, Combat and Chemical Warfare

Articles of general interest rather than instruction.

Certain superficial similarities and characterizations of the SA, which would indicate a military character, are readily distinguishable of the SA. The SA was termed the strongest arm of the Party movement because it was the one which afforded the most efficient protection during the rise of the Party. The breakdown of the membership into Char, Trupp and Sturm units was purely for organizational convenience. Special units, like Navy, Engineers, Aviators, and Mounted Units, were formed in order to make concessions to technical and Landsmannschafrich interests and because such a division presented certain propaganda advantages. Divisions, such as the motor, marine and aviation units, gave to members an opportunity of technical instruction. Music platoons were used primarily to improve the marching order of the group. Drill regulations were taught so as to present a decent marching appearance and SA drill exercises emphasized body posture, march order and march discipline and took no cognizance of the military phases of forms and order of combat. Training on Signal Divisions was undertaken only as a means of communication and sometimes played an important part in the peaceful occupations of SA formations. Relief programs sponsored by the SA were primarily intended to take care of those who met with injury in the sports activities of the organization. Formation of an SA Reserve had the double purpose of maintaining coherency within the organization and to provide an auxiliary group in which older men could serve after retirement from active duty.

The Leader Schools of the SA had no military character whatsoever. The schools for military leaders were weekend programs lasting no more than several hours a week and giving instruction in the handling of propaganda and uniform, geography and topics of the day. Group schools were instituted for the Sturm Leaders. These schools were discussion forms and purported to achieve a unification of all the groups. Gradually instruction in discipline, sport and wehr insignia was included in the curriculum. The Reichs Schools and the Leader Schools in Dresden and Vienna trained the middle and higher corps of leaders in matters pertaining to marches and organization as well as the sport and wehr insignia.

H1093 - 0028

The candidates who filled out the Lehrscheinabzeichen question forms referred to in Document 3215 P.S. were taught necessary exercises for maintaining SA sport insignia and those who filled in the examination forms received instruction in the disciplinary Civil Service Examination they had to take. The training in the front or training in combat which is mentioned in this document means training in all the superior groups Sturm and not in smaller individual groups.

Articles mentioned in Document 3050 PS, under page of instruction Ausbildung, referring to such subjects as shooting exercises and ranges of company in combat; the first alphabet of Antiaircraft; the first instructions for gas warfare; carbine No. 98; the battalion combat; the pistol 08; etc., were merely reprinted as items of articles of interest. On the other hand, articles relating to map reading and knowledge of maps in general and sport in the free air were within the framework of SA discipline and regulations and came under the defensive sport insignia of the SA.

An article in 1938, which the Prosecution characterized as a picture of SA men marching in military formation, could not have been any more than a unit on their way to a shooting contest with small caliber carbines.

Many of the types of sport in the SA sport insignia were the same as those mentioned in the Olympic Sport Program, such as riding, shooting, cross country and steeplechase.

The witness testified that the pre-military and post-military exercises, over which the SA was put in charge by Hitler in 1939, were not slated to actually take effect until October of that year and were cancelled by the State before that time.

Disciplinary measures authorized within the SA, such as the confinement to quarters, reduction in rank, punishment with jail sentence, were established in order to keep the organization clean. These measures were seldom if ever invoked.

On cross examination the witness was shown a letter from the Reich Minister of Interior to the Reich Minister for the Enlightenment and Propaganda in Berlin, dated July 1934, which stated that it had been impossible to withhold unauthorized press releases which gave the appearance of military training by the SA. The document also requested that all possible means be employed in the future to prevent such press releases. The witness was asked why, if the SA did not give military training, the German press should have repeatedly reported that it did. The witness could not explain this nor why the Ministry should want to prevent publicity for the war maneuvers and the Army to which SA men were called. It was proposed to the witness by the Prosecuting Attorney that the Minister of the Interior was attempting to counsel the military activities of the SA. The witness repeated that the SA had only sportive and propagandistic duties and SA men received military training only in the framework of the Army.

The witness admitted that he had never worked on the editorial staff of the SA Mann but testified that he believed that he was able to judge the purpose of the articles because he had read a good many of them. He remembered them because his superior for a year, the Chief of the main instruction Amt of the SA, had repeatedly remarked on the incompetency of the authors of these articles. Witness pointed out that the paper did not belong to the Supreme Command of the SA but he admitted that it was edited by the official publishing house of the Nazi Party.

The witness was sure that if any military training had gone on in the SA schools between the dates, January 1939 until May 10, 1940, he would have known about it in his position as Inspector of the Training

H1093 – 0029

Schools. He was then shown a document letter from Staff Chief Lutz to Rosenberg, dated 30 January 1939, in which Lutz thanked Rosenberg for congratulations on the SA having been assigned all pre-military and post-military training—"Wehrmannschaften". The witness explained that such training had been assigned to the SA but had never gone into force and was cancelled in October 1939. Under aggressive questioning he maintained the substance of this story and conceded only that the organization of this pre-military exercise was to start with the Fuehrer Decree but that the individual exercises were not to start until 1 October 1939. Prior to that movement SA exercises had only the non-military character he had described throughout his testimony.

Articles 8 and 9 of P.S. 2820 were read to the witness regarding the right of a superior to use his weapon to prevent the attack of an inferior and regarding definitions of "mutiny" and "revolt". Witness was asked whether any civil organization would have such regulations in its charter. He answered that any organization might have them which wished to maintain discipline and not to encourage disobedience. On redirect examination the witness expressed his opinion that, based on conversations with others, these regulations might have been some which were issued by Roehm in anticipation of the so-called people's militia and which never went into actual effect.

III. Knowledge of Criminal Activities

With respect to excesses which occurred at the camp at Hohenstein, the guilty SA leaders were condemned to long terms of imprisonment and dismissal from the organization. With respect to Oranienburg, the chief of the camp maintained and even wrote a book to the effect that he had conducted this camp according to regulations. Minister of Justice Guertner, the man who had appointed the camp leader at Oranienburg, was a very conscientious man and would not have appointed anyone to be camp commandant who had been responsible for abuses.

Summarized by:

J. S. CONWAY

H1093 - 0030

SUMMARY OF EVIDENCE OF WALTER VON BRAUCHITSCH

WITNESS FOR THE GENERAL STAFF TAKEN

BEFORE A COMMISSION ON 25 JULY 1946

TRANSCRIPT PAGES

SUBJECT: Witness was cross-examined by Defense regarding Affidavit No. 2, U.S.A. Exhibit 532; and Affidavit No. 4, U.S.A. Exhibit 535.

Witness was Supreme Commander of Army from 1938-1941.

On February 4, 1938 witness succeeded Generaloberst von Fritsch as Supreme Commander of Army. Affidavit No. 4 reads in part:

> "When Hitler had made a decision to support the realization of his political objections through military pressure or through the application of military force, the commander in chief of the army, if he was at all involved ordinarily, first received an appropriate oral briefing or a proper oral command, operational and deployment plans were next worked out in the OKW."

Witness testified that when he succeeded von Fritsch, he was told nothing about intentions of Hitler as expressed on November 5, 1937. If serious plans (for war) had existed, witness would have been informed of them when he assumed office. Otherwise it would have been impossible to carry out these plans.

In Affidavit No. 2, witness stated that there were discussions between Oberfuchrer and himself, especially before important events. After conversation of 23 May 1939, witness was absolutely convinced that military pressure was being exerted only for political purposes. He had same impression after conversation of 22 August 1939. The difference between the preparations before the Sudeten crisis and the Polish crisis was explained by witness as follows: After Sudeten crisis Hitler learned that the generals had not taken their tasks seriously. In order to support political action by military pressure it is necessary that the military pressure be taken seriously by your own people as well as on those upon whom it is to be exercised.

With reference to conversation of August 22nd, the word "Vernichtung" appears in transcript. Witness testified that the word is frequently used in military language and refers to nothing but the elimination of military objectives and does not imply atrocities suggested by prosecution.

In Affidavit No. 4, witness stated that Army Commanders upon visiting his headquarters informed him and gave him "advice and recommendations". By "advice" witness meant "opinions" or "conceptions" of their functions in carrying out of orders. He did not imply that a council of war was held.

Second paragraph of the Affidavit reads: "After the operational and deployment orders had been given to the two commanders of the army groups and the five commanders of the armies, conferences took place with them about details in order to hear their desires and recommendations." Witness stated in this regard that carrying out of orders given to army and army groups required such a knowledge of military matters and ability that only a few people were able to carry out the orders. Also adaptations to new circumstance and conduct of enemy had to be made. Hence, it was necessary to act within the framework of the order received.

H1093-0031

Witness was then shown the chart attached to Affidavit No. 2 showing a composition group with reference to Wehrmacht.

Witness stated that at one time he had drawn attention to fact that chart did not exactly correspond to actual circumstances, but was told that it was not important. If it was intended to establish exact circumstances, names, such as Keitel, Jodl and Warlimont, do not belong on chart. Connection lines between services do not represent channels through which orders were given. Orders were given by Hitler as Supreme Commander of Wehrmacht to its three parts: Marine, Navy and Air Force.

On redirect examination an excerpt from Affidavit No. 2 was read to witness, "The composition of those groups and the relationship of its members to each other were as shown in the attached chart and in the duties of those who filled the provisions shown in the chart lay the actual direction of the armed forces." He stated that chart represented higher ranks of armed forces with exception that chiefs of General Staff did not belong on chart, because they were the operating staff. The higher ranks were Supreme Commanders of armed forces, the Commander-in-Chief of the Army, the Commander-in-Chief of the Navy, and Commander-in-Chief of the Air Force. Their subordinates were Chiefs of corresponding departments of Army, Navy and Air Force. If they were included as an operational staff the other groups would have to be included too.

In an army, one group gives orders and another group prepares orders. Chart is correct wherein it shows mutual contacts of persons or operating groups. Hitler and Keitel, shown below each other should be within one frame. One issued orders and other prepared orders. Chiefs of Staffs were only operating staff of whole Wehrmacht and they couldn't give orders on their own initiative. Hence, chart only shows relationship of services to each other but not channels through which orders were given.

An excerpt from Affidavit No. 2 reads: "In practice, supervision within this field was exercised by a relatively small group of high ranking officers. These officers exercised such supervision in their official capacity and by virtue of their training, their positions and their mutual contacts." By "mutual contacts" witness only referred to fact that officers who fight together should know each other. There were no special contacts.

In Affidavit No. 2 witness used word "gruppe" several times. By "gruppe" he meant a certain number of military leaders and not a specific circle of persons.

Witness concluded by statement that affidavits were result of conversation of several days between two American officers and himself. He was then shown German text which he partly modified. He didn't know purpose of it and didn't examine every word, with reference as to whether it would be interpreted in this way or that way.

Summarized by:

D. N. HUNT

H1093 - 0032

SUMMARY OF EVIDENCE OF ROBERT BRILL

WITNESS FOR THE SS ORGANIZATION

TAKEN BEFORE A COMMISSION ON

THE 21 OF MAY 1946

PAGES 1-26 & 131-145 OF THE TRANSCRIPT

SUBJECT: Recruiting of the WAFFEN-SS.

Witness was an Obersturmbannfuehrer in the WAFFEN-SS and was Deputy Chief of the Recruiting Section of the WAFFEN-SS since the 1st of January, 1940 (Pages 2 and 7). He was previously with the Leibstandarte Adolph Hitler and served with them at the front.

I. Evidence of voluntary or compulsory membership in the WAFFEN-SS.

1. System and statistics of recruiting.

The WAFFEN-SS were created in 1940 out of the original Verfuegungstruppe of the SS and were all members of the ALLGEMEINE SS. Service in the Verfuegungstruppe was voluntary and of a military nature (Page 2).

In 1940 the WAFFEN-SS comprised 100,000 men. Of these 56,000 were Verfuegungstruppe, 8,000 from the ALLGEMEINE SS and 36,000 from other armed units. These latter were specially recruited by Himmler and included police troops (Page 3). A further 50,000 were recruited in 1940. In 1941 70,000 were recruited and in 1942 110,000. Of those recruited in 1942 80,000 were volunteers (Page 4). In 1943 210,000 were recruited, 110,000 of these being volunteers and the rest drafted. In 1944 370,000 were recruited, 160,000 being volunteers and 210,000 drafted. Witness did not know the exact figures for 1945. In answer to the Commissioner, witness said that the number drafted in 1940 and 1941 was insignificant (Page 5).

A number of the ALLGEMEINE SS volunteered for membership in the WAFFEN-SS with the motive that it was a decent and courageous unit. Volunteers could not resign and received a drafting order. Various German nationals from other countries, especially the Balkans, were recruited from 1941 onwards. As a result, in December, 1944 out of a total of 910,000 men in the WAFFEN-SS, 410,000 were German citizens, 300,000 Germans living abroad, 150,000 aliens, and 50,000 so-called "Germanics" from Scandinavia and Holland (Page 8). The rule that people who joined the Organization could not resign applied to those drafted to the WAFFEN-SS as well as to the volunteers. (Page 9).

In cross examination on the subject of the statistics of recruiting, witness explained that 36,000 men recruited into the WAFFEN-SS in 1940 (referred to on Page 3 of the transcript above) were mainly members of the ALLGEMEINE SS. They were volunteers for the ALLGEMEINE SS but were drafted for service in the WAFFEN-SS under an emergency regulation (Page 18).

He did not deny that until the autumn of 1939 all members of the SS were volunteers for every branch. It was not until after the beginning of the war that any drafting began (Page 19). The position was further clarified by the following questions and answers:

Q. It is right to say that up to the end of 1939 every SS man had joined the SS as a volunteer for one or another branch?

A. Yes.

H1093 - 0033

Q. You are quite clear as to the question?

A. In the ALLGEMEINE SS there were only volunteers up to the end of 1939.

Q. It is correct that in the WAFFEN-SS the same applies except that the 36,000 referred to were not volunteers in the WAFFEN-SS but in the ALLGEMEINE SS?

A. Yes.

Recruiting for the ALLGEMEINE SS practically stopped after the beginning of the war (Page 20). There was never at any time conscription for the ALLGEMEINE SS. Membership had to be applied for.

Witness tried to draw a distinction between the ALLGEMEINE SS and the WAFFEN-SS insofar as voluntary application and conscription was concerned, apparently not having understood the Prosecution's point which was to show that with a very few exceptions up until the end of 1941 every SS man was a volunteer since it was agreed that the 36,000 drafted from the ALLGEMEINE SS in 1940 were originally volunteers for that organization (Page 21). During the attempt by the Prosecution to clarify this position witness agreed that at the end of 1941 the WAFFEN-SS consisted of 36,000 men who had previously volunteered for the ALLGEMEINE SS and that the remaining men had volunteered for the WAFFEN-SS (Page 22).

Subsequently members of the ALLGEMEINE SS were only very rarely drafted into the WAFFEN-SS. The number of those drafted from the ALLGEMEINE SS in 1944, for example " must have been infinitely small". Questioned by the Prosecution as to whether the 36,000 men drafted into the WAFFEN-SS at the beginning of the war were the only members of the ALLGEMEINE SS ever drafted into the WAFFEN-SS, witness stated that a few members of the ALLGEMEINE SS had applied for membership in the WAFFEN-SS on a voluntary basis. These latter persons were included in the figures given (Page 23). Witness estimated the total numbers of the WAFFEN-SS as follows:

1940 - 100,000
1941 - 150,000
1942 - 200,000 to 250,000
1943 - 350,000 to 400,000
1944 - 550,000

These were the total figures and should not be confused with the recruiting figures (Page 25).

2. Concentration Camps.

Witness stated in answer to Defense Counsel that in 1944 there were 30,000 guards in concentration camps. Asked for figures regarding the administration of the concentration camps by the ALLGEMEINE SS and WAFFEN-SS, he stated that at the beginning of the war 8,000 men who were formerly concentration camp guards were transferred to the WAFFEN-SS. In 1940 the total number of concentration camp guards was about 4,500. These were recruited through the office to which the witness belonged (the SS Recruiting Office (Page 13).

In 1941 the SS began to recruit concentration camp guards from "Germans living abroad" (Volksdeutschen). These Germans living abroad had applied for membership in the WAFFEN-SS. 6,000 to 7,000 of these were recruited together with members of the German Veterans Association who had volunteered for the WAFFEN-SS but were too old or infirm for active service.

In 1944 a considerable number of members of the Army and Air Force were added who joined under the same conditions as the veterans. Towards the end of the war aliens were used as concentration camp guards.

These non-Germans very often did not understand German (Page 15). From 1940 to 1944 the concentration camp guards, who totaled 30,000, consisted of about 7,000 Germans "living abroad" (Volksdeutschen), 10,000 volunteers for the WAFFEN-SS and about 7,000 from the Army and Air Force transferred to the WAFFEN-SS. There were probably another 6,000 more connected with concentration camps who were either members of the ALLGEMEINE SS or the WAFFEN-SS.

Witness stated that doctors and technicians were drafted into the WAFFEN-SS without any regard to their political opinions.

In cross examination witness stated that the SS troops selected for concentration camps were sent to a camp at Sachsenhausen which served as the Inspectorate of concentration camps. From Sachsenhausen the guards were sent to different camps. He denied any knowledge that Amtsgruppe D (concentration camps) of the WVHA received its recruits from the SS Division Prinz Eugen.

3. Further statistics of the WAFFEN-SS.

In a resumed cross examination on the 27th of May (transcript pages 131 to 145) witness stated that he served with the Leibstandarte until December 1939 and from June until August 1941 at the front. He later served with the same unit from March 1945 until the 8th of May 1945 as an ordnance officer (Lieutenant Colonel). The Leibstandarte Adolf Hitler was an independent unit serving under the command of the 6th SS Army commanded by Sepp Dietrich (Page 132).

From 1942 onwards the Leibstandarte Adolf Hitler began to take conscripts and in 1943 witness stated that according to his recollection there were 2,000 conscripts to the Leibstandarte (Page 133). Up till October or November of 1944 the total figure of killed and missing in the WAFFEN-SS was 200,000. The total actually wounded, i.e., those severely wounded and declared unfit for active service amounted to 120,000. Witness agreed that the total figures for the WAFFEN-SS given on Pages 24 and 25 (above) do not include the 200,000 killed and missing but might possibly include the 120,000 wounded (Page 135).

Officers of the WAFFEN-SS were appointed and promoted through the Personnel Headquarters of the SS (Page 137) and a large majority of them were volunteers.

Witness agreed that the figures that he gave were largely from memory.

II. Knowledge of Criminal Activities.

1. Austria.

Witness said that at the time of the invasion of Austria he was with the Leibstandarte Adolf Hitler (Page 7). Neither the Staff nor the Staff Captain knew much ahead of time if there were going to be any troop movements (Page 7). The unit received orders to march at a moment's notice and the enthusiasm of the population could not have lead any one to believe that a crime was being committed. The numbers of the SS were not increased before this incident. In answer to the Commissioner witness said he was a 1st Lieutenant at the time of the invasion.

2. Secrecy in the SS Offices.

Himmler issued an order at the instigation of the Fuehrer that in every office a notice with the slogan "Himmler affixed" should be put up. This notice stated that no official should know more than he required for his own office (Page 11). Witness claimed that only one percent of the SS were in offices where secret matters could be known and they could have access to knowledge of the alleged crimes (Page 12).

H1093 - 0034

H1093 – 0035

3. Complaints by the Public.

In cross examination witnesswas asked concerning complaints to the Headquarters of the WAFFEN-SS by members of the public. He stated that a number of those who had joined the SS by compulsion handed in complaints. Most of the complaints came from parents whose children had been drafted into the WAFFEN-SS. After 1943 it was not necessary for parents to give permission and boys of 17 years or older could join the organization. No complaints by either officers or enlisted men were received regarding the conduct in battle of the WAFFEN-SS (Page 138) or about the activities of Einsatzkommando or the slaughter of Jews in occupied territory.

4. Atrocities in the East.

Questioned concerning alleged atrocities in Poland and Russia, witness denied any knowledge of activities of the WAFFEN-SS. Questioned by the Russian Prosecution he denied any knowledge that when he was with the Leibstandarte the slaughter of Jews and forced labor had occurred. He admitted that his unit had been in action close to the Division Viking which was alleged to have committed crimes on the East Front, but of these he denied all knowledge. He stated that the purpose of the SS Division Prinz Eugen was "to correct the so-called conditions in the SS Division in the south east part of Europe". He did not know the nature of the activities of that Division and knew nothing of its having killed hostages.

III. Activities relating to Article 6 of the Charter.

1. Aims and Ideals of the SS.

Describing the system of recruitment of the WAFFEN-SS, witness stated in direct examination that his office tried to select young and healthy people to join the organization. They did not select volunteers according to their political views. They required a certificate that the recruit had not been convicted and that he did not suffer from hereditary disease. (The Commissioner doubted the relevancy of this evidence with respect to Paragraph 6 (a) of the order of March the 13th and counsel explained that he was trying to show that it was the racial and physical background of the recruit that was important and not his political views. He said he was anxious to stress this since the Prosecution had alleged that the political background of the SS was criminal (Page 9).

Reference was made to the presence of aliens in the WAFFEN-SS. Witness claimed that alien units retained their own national characteristics and brought with them a "racial and spiritual influence" which was quite opposed to the view of the German members. As a result the WAFFEN-SS of 1940 differed vastly from the WAFFEN-SS of 1944 where 50 percent of the members were of alien blood.

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1093 - 0036

SUMMARY OF EVIDENCE OF THEOPHIL BURGSTAHLER

WITNESS FOR THE S.A. ORGANIZATION TAKEN

BEFORE A COMMISSION ON 13TH JUNE 1946

TRANSCRIPT PAGES 882-898

SUBJECT: Religious and Racial Questions.

Witness was NOT a member of Nazi Party nor of S.A., nor S.S. He was Minister of the church, Director of the Mission for the conversion of Jews in Berlin, co-worker of the Swiss Association of the Friends of Israel, and founder of the Christian Relief Committee for Christian Non-aliens (Page 883).

I. Activities Relating to Article 6 of the Charter.

1. Crimes against humanity.

Jews. There were Jewish members of the S.A. between 1933 and 1935. Baptisms were performed in public of Jews, in the presence of S.A. men in uniform, who also attended church services (Page 885). The S.A. was National Socialistic; theoretically at least anti-semitism was part of their cause (Page 892). The S.A. commenced actively to persecute the Jews in the course of 1934 (Page 890).

Churches. The individual S.A. man on the basis of what he was told had to believe that he was opposing the church as a political institution (Page 886). It was the policy of the SS to diminish the influence of the churches as much as possible (Page 888); and this was generally known (Page 889).

II. Evidence of voluntary or compulsory membership.

Joining the S.A. did not necessitate being a member of the Nazi Party, and many individuals joined the S.A. to escape the necessity of becoming members of the Nazi Party (Page 885).

Summarized by: I. D. McIlwraith
Assistant Commissioner

H1093 – 0037

SUMMARY OF EVIDENCE OF THEODOR BUSSE WITNESS FOR THE GENERAL STAFF TAKEN BEFORE A COMMISSION ON 10 JULY 1946

TRANSCRIPT PAGES

SUBJECT: 1. The military leaders did not form a group.

2. The military leaders did not participate in the conspiracy leading to aggressive war.

3. The military leaders did not participate in crimes under Article 6 of the Charter.

Witness was a front line officer during the First World War. From 1929 to 1932 he went through training for the General Staff. At the start of World War II he was First General Staff Officer of the Eleventh Army. Witness became General March 1, 1943, as Chief of the General Staff of an Army group. In July 1944 he commanded a division at the front and then a corps and on January 21st he was commanded to lead the Ninth Army. He was never appointed Supreme Commander of the Ninth Army but he was commanded to take over the duties of that position.

I. Activities Relating to Article 6 of the Charter

1. Individuals erroneously included in German General Staff and High Command

Witness was shown Document U.S. 778, which enumerated by name the persons who come within the German General Staff and High Command. He was asked to point out the names of men who, to his personal knowledge, did not belong in that list because they, like himself, had merely been put in charge of an Army temporarily. This question was objected to by the Prosecution on the grounds that the witness could not possibly have such knowledge because he was not an administrative officer of the War Ministry nor had he ever been in an official position from which he could know exactly what the positions of certain other people were. Therefore, it was contended that the evidence would be of a purely hearsay character and would not be best evidence. Defense Counsel maintained that he was not asking for anything that the witness should know by any other source than his own personal observation. To justify the question, Counsel cited Tribunal publication 681, issued in March 1946, which directs that the structure of an organization is competent. The witness was allowed to testify that the following individuals included on the Prosecution list of members of the German General Staff and High Command had not been finally appointed to this organization:

General Almendinger	General Kleffel, Phillipp
General Boge	General Loch
General Brandenberger	General Lucht
General Busse	General Muella, Friedrich
General von der Chevallri	General Rasp, Seigfried
General Fuertsch, Herman	General von Saucken
General Fretta - Pico	General Wenck
General Hasse, Wilhelm	General Wiese
General Holpert, Karl	General Nehring, Walta

Witness testified that he knew approximately 35 of the persons on the list quite well since his duty had brought him in contact with them. Another 35 he knew in the way that a man would know his remote superior.

H1093 – 0038

Witness did not believe that there could be a group of military leaders together as the Prosecution charged, because he saw the name of Himmler on the list and Himmler was the mortal enemy of the Army. From this he concluded that there could not have been such a group. Like officers of other ranks, these men did their duty and were united in their leader.

2. Denial that Army leaders planned for aggressive war

On April 1, 1939, in conformity with the usual Army rotation system, witness returned from duty at the front to a position in the training section of the First General Staff Officer. His work dealt with the peace-time training of the German Army and he had nothing to do with preparations for war. There were plans in process for that same year which, far from expediting war preparations, were a serious impediment to quick mobilization.

The plans of the German Army at that time consisted of maneuvers with the participation of large mechanized units and a fortification maneuver to test the resistance of the newly constructed West Wall against heavy artillery. There was a very small amount of available ammunition. The transportation facilities were taxed to the utmost in carrying all ammunition which was available for the modern weapons to be used. Witness prepared this training program and had it approved by the Chief of the General Staff in August. The planning covered a period from 1 October 1939 to 30 September 1940, and witness pointed out that he would not have undergone all this work if he had known there was to be a war.

It was also ordered that large troop units were brought to the East by rail in order to work on the East Wall fortifications. Witness learned of the impending Polish Campaign at a meeting called by the Chief of the General Staff of the OKW on the 23rd or 24th of August, 1939. There was also a certain change in the situation which permitted the staff of the OKW to suspect the existence of a military threat.

3. Violation of the rules of war

Witness testified that during the Western Campaign he was under orders that he should establish contact with the 22nd Luftlande as soon as bridges north of Rotterdam were constructed. He arrived about 24 hours after the conquest of Rotterdam. The Military Commander at that time, Lieutenant Colonel Chotitz, and Colonel Kreysing reported to him that it was not possible to stop the stuka attack because the surrender discussions had been retarded. According to a report of the Supreme Commander of the Army which he received while he was with the 22nd Luftlande, the reason that the first echelon in the stuka attack released the bombs after the city had capitulated was that the radio communication to the 22nd Division did not function properly.

All during the period of witness' association with the OKW, up until September 1940 the witness had not heard of any plans for war against Russia. The general attitude of his associates was that such an idea was unthinkable. They had a close sympathetic feeling with their Russian brothers in arms, many of whom they knew. The German General Staff considered the thought of a two-front war absurd.

In April 1941 witness was Training Officer at the OKA-11 in Leipzig. On the second holiday of Easter, he was suddenly called away and, enroute, was informed that his destination was Rumania. On arrival he was told to prepare with the Rumanian Army for possible war with Russia and in May was given a supplementary order to prepare a subsidiary action to a major operation to the north. Witness was acquainted with the Commissar Order. He rejected it because he was a soldier who could not accept such an order even though it came from

H1093 - 0039

superior authorities. His Commander, General von Schobert, also rejected this order and, as far as the witness knew, this order was not executed anywhere. Within the Army authority area a silent agreement existed that the order would not be executed. It was not, however, possible to stop the distribution of the order all the way through military channels from top authorities down.

Before the witness entered the Russian Campaign a Counter-Intelligence Officer informed him that Einsatz Groups of the SD would be attached to the Army in order to perform political police duties. These groups would receive their orders directly from Hitler and would be connected with the Army only for pay and maintenance and with the further feature that the Army had a right to make use of Intelligence Reports with respect to the enemy, which were procured by the SD Groups. This was a departure from the previous policy that all police duties in invaded, hostile territories should be performed by the Army. The only contact which the Army had with the SD Groups was through Army Counter-Intelligence Officers and Army Supply Officers. Counter-Intelligence Officers often received information from the Leader of SD Commando Groups and sometimes from an SD liaison man who might be attached to the troop unit.

On cross examination the witness was asked whether he wished to stand by his statement that SD Groups were given special tasks for the first time in Russia. He answered in the affirmative testifying that he had been in France from December 8th after the opening of the Western Campaign until the Armistice, working, successively, on the staffs of General Field Marshal von List and General Field Marshal von Kleist. He was asked whether he did not know that Norway, Holland, Belgium and France "were simply full of these SD". He said that he did not.

On cross examination witness admitted that 1-C officers of the Army received monthly or every three months Intelligence Reports which came from the SD, as to the situation and mood of the population in the backward areas. He, however, had never seen such reports, although he recalled that 1-C officers had on occasions read to him from these reports. He testified that it was quite impossible, at least in his staff, that information regarding the use of SD Units to kill people should have come to the attention of the 1-C officers of the Army. If such information had come to the 1-C officers, then he, the witness, would surely have heard of it. On redirect examination this contention was strengthened by the statement of the witness that he and the 1-C officers were daily co-workers.

On cross examination the witness testified that he had had very little to do in the fight against partisans in the East. He pointed out that in the Crimean Theater, where he was, partisan warfare was of negligible importance. His attention was called to a circular letter written by Kleist, regarding communist revolts in occupied Eastern territories, in which it was mentioned that a life in the East was worth nothing and that for one murdered German soldier 50 to 100 communists should be murdered. He could not recall this order. He was then told of another order issued by Kleist on December 16, 1942, in which there was the following sentence: "Therefore, the troop is justified and has even the duty even in this battle to use, even against women and children, all the means of force if only it will lead to success." He could not recall this extract and called attention of the Prosecution to the fact that often direct orders by Kleist did not reach the Army because the Army Headquarters in the OKW were between the Army and the Supreme Command.

The attention of the witness was called to another circular letter which dealt with the execution of the courts-martial system in the Barbarossa territory, with respect to special measures to be taken by the troops. He recalled this order, although it did not come within

H1093 - 0040

his jurisdiction, and believed that it was either cancelled by the Supreme Command or neutralized by an order of General von Brauchitsch. When witness was First Office[illegible] General Staff (1-A) of the Eleventh Army his Supreme Commanders were, successively, Colonel General von Schobert and after September 20, 1941, General von Mannstein. In his position all tactical orders passed through the hands of the witness. He never saw any operative orders given by his Supreme Commanders to the SD Einsatz Groups.

Witness was informed of statements of SD Leader Ohlendorf before the Tribunal that the Eleventh Army must have been informed with regard to activities of SD Einsatz Combat Groups and that executions were ordered to be held at a certain distance from Army Headquarters. Witness said that he had no knowledge of any such order and he did not think it true, as Ohlendorf had testified, that officers of the Eleventh Army attended executions of Jews. To the best of his knowledge, no soldiers of the Eleventh Army volunteered for firing squads. Witness had no definite knowledge concerning the truth of Ohlendorf's statement that the Army had asked for a speeding up of extermination of Jews in order to create new housing possibilities in Simferopol but he did not deem it possible that an organ of the Supreme Commander of the Army would interfere with such matters. He also pointed out that the Army wished to keep administrative organs in Simferopol at a minimum because of air raid danger.

4. Attitude of High Military Leaders towards Nazi Party Program and Activities

The military leaders excused a great many criminal manifestations of the Nazi Regime on the ground that they were abuses inherent in a revolutionary movement. Furthermore, the Army personnel had taken an oath for 25 years in compli[illegible]h the Versailles Treaty and witness' enlistment was not up until 1945.

Witness was against the Versailles Treaty as far as it had dishonorable conditions for Germany. He believed that officers in general prior to 1929 believed that there must be a direct connection between Eastern Prussia and the main territory of the Reich.

Witness always thought that colonies were necessary if Germany was to have goods and raw materials. The theory of Liebensraum never played an important part in the plans or hopes of the military leaders. Witness believed that from the point of view of strength the Army benefitted when Hitler came into power. He, himself, thought it a degrading thing that a great country should not have sufficient armament for its defensive needs.

II. Evidence of Voluntary or Compulsory Membership

Witness was asked why he took over command of an Army just before the end of the war, when the situation was already so desperate. He answered that he did so because he was given two tactical tasks and one great commission. His tactical tasks were to free the Army group of General Nehring and to reform the front east of Ortepo and stop the offensive towards Berlin. His commission was to fight for time for political negotiations. He was also moved by the sight of miserable groups of his countrymen traveling West, and he wished to protect them from the enemy coming from the East. He followed the example of many soldiers who have preferred death to surrender.

III. Knowledge [illegible]minal Activities

Witness did not hear of the extermination policy carried on against the Russian people and the Jewish components of the Russian nation until after the capitulation. He, at no time, participated in mass murders of Jews.

H1093 – 0041

Witness admitted that a short time before the war he knew that Jews were brought to special regions and deported there and that Jews were murdered on the way. He never approved this.

In November 1938 he was in Bremen and knew of the anti-Jewish demonstrations. In that town, with its international population, there was a great resentment against these events. As an officer on the General Staff of the 22nd Division, the witness was powerless to do anything because such action lay within the province of the police and because the Army had no knowledge of the demonstrations until they were over.

Summarized by:

J. S. CONWAY

H1093-0042

SUMMARY OF EVIDENCE OF KARL FRANZ CHUDOBA

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

26 JUNE 1946 TRANSCRIPT PAGES

SUBJECT: Position of the Teachers' Associations Dozentenbund and the Students' Associations Studentenbund within the Nazi Party.

Witness was an Austrian officer from 1916 to 1919. He taught grade school from 1919 to 1923 and at the same time studied at the University of Vienna where he received a Doctor of Philosophy Degree in 1924. Successively thereafter he was assistant in the Museum of Natural History in Vienna, assistant at the University of Freiburg, extraordinary professor at the University of Bonn, and, from November 1, 1939 until the end of the war, Rector of Friedrich-Wilhelm University of Bonn. He joined the Nazi Party in 1933 because, as an Austrian, he desired to demonstrate his readiness to contribute to solutions of the tasks of the new State.

I. Activities Relating to Article 6 of the Charter

1. Development and Responsibilities of Students' and Teachers' Associations in Nazi Germany

Prior to 1933 there existed Associations for Professors and Students' Associations, which were called Deutsche Studentenschaft. The Students' Associations remained in existence after 1933 but the Teachers' Associations were dissolved and combined into an association called Dozentenschaft. Anyone who entered a university, either as a student or academic teacher, belonged automatically to the Deutsche Studentenschaft or to the Dozentenschaft.

Since 1926 there existed an NS Studentenbund. In 1935 an NS Dozentenbund was organized. These organizations were organizations of the Party but people who were not Party members could join the Dozentenbund.

In each university then there were a local student fuehrer and a local Dozentenschaft fuehrer (local academic teachers' leader). Neither of these individuals belonged in any way to the Party Leadership. In cases where there was more than one university in a Gau there were appointed Gau students' leaders and Gau teachers' leaders and also a Reich leader of students and a Reich leader of teachers. Witness became leader of the local teachers' Bund in 1937 and Gau leader of academic teachers in 1938. Both of these positions he held in the Cologne-Aachen Gau.

Annually the local Gau teachers and leaders met for working conferences, which were called by the Reichs teachers' leader. However, there was no organizational link between the Gau teachers' leaders and the Hoheitstraeger of the Party so that the teachers' leaders could be called staff officers of the Gauleiter. Gau teachers' leaders and Gau students' leaders were only subordinate to the Gauleiter in disciplinary matters.

The witness did attend quarter-annual meetings held by the Gauleiter in Cologne. These meetings were reported in the daily press. Teachers' leaders and students' leaders did not have to report to the Gauleiter concerning their activities and the Gauleiter received no information concerning Teachers' and Students' Associations conferences. The answer to any inquiry which reached the Gau teachers' leaders had to be sent to the inquirer by way of the Reich leaders of the teachers.

The witness denied that there was any training done in connection with the chief of the organization of the Nazi Party, main training office (Hauptschulangsamt). He did admit that the officer Rosenberg was continually attempting to get jurisdiction over the training of the teachers' leaders.

However, to the witness' knowledge—[illegible] academic teachers received any training either through Amt Rosenberg or the training office of Ley's organization. Furthermore, no member of the Academic Teachers' Association belonged automatically or involuntarily to the general National Socialist Teachers' Association.

All appointments and dismissals of academic teachers' leaders were performed by the Reich leader of academic teachers in coordination with the Gauleiter. The Reich leader of the academic teachers made the actual appointments after having heard from the Gauleiter.

The witness disagreed with the Organization Book of Ley insofar as it claimed that the Gau leaders of academic teachers had four sub-officers. The witness did not know of a single Gau academic teachers' leader who had even one sub-office. Ordinarily these officials did not have a secretary or an assistant.

The same discrepancies as described above existed between the Students' Association as they were actually set up and as they were described in Ley's Organization Book.

On cross examination it was elicited from the witness that the Dozentenschaft representative reported to the Gauleiter concerning the scientific and political qualifications and attitudes of prospective appointees to a student body or a teaching body. This inquiry of the Gauleiter was referred by the Gau Dozentenfuehrer to the local Dozentenfuehrer, and the answer went back in a reverse fashion. One copy of the answer was sent to the Gauleiter and another copy to the Reich Dozentenfuehrer. This procedure was in fulfillment of paragraph 26 of the Civil Service Law, which required that an aspirant must be certified by either a state or political office before he was allowed to work for the new State. This practice had been in vogue before 1933. The witness denied that the purpose of this was to invest in the Gau Dozentenfuehrer the duty to see to it that teachers and students were politically reliable but insisted that their concern was with scientific values. The extent of the report of a Gau Dozentenfuehrer concerning the political reliability of a prospective appointee was to state whether or not he was a Party member. The witness himself as Rector of the Friedrich-Wilhelm University of Bonn had appointed many assistant professors who were not Party members and had given academic honors to many people who were not members of the Nazi Party.

The witness was asked why, if it was true as he asserted that appointments in no way depended upon political views, a report had to be sent from the academic teachers' leader to the Gauleiter. He answered that the Gauleiter received inquiries from higher Headquarters and he wanted to know the opinion of the Dozentenfuehrer. At the same time the Gauleiter inquired of the Kreisleitung and the SD.

The witness testified that during the last period of National Socialism most students were Party members because they came from the Hitler Youth. However, it was not necessary to be a Party member in order to be a member of the university. It was requested that students join a Party organization. On redirect examination the witness again emphasized the fact that the Gau Dozentenfuehrers and the Gau Studentenfuehrers had the primary responsibility of reporting on the scientific qualifications of people who were to be appointed, nominated or transferred in academic or student jobs. This assignment was given to these academic and student officials because the Kreisleiters and the SD men to whom the responsibility for a report was first assigned had no qualifications to evaluate the scientific ability of applicants for teaching and student positions.

3. Attitude of Members of Teachers' Associations toward the Nazi Party Program and Policy

The members of the Academic Teachers' Association did not believe that points one, two, and three of the Nazi Party Program, dealing respectively with a unified self-governing Reich, the demand for equal rights for the German

H1093 - 0043

people, and the demand to cancel the peace Treaty of Versailles and to re-establish German colonies, were part of a plan for domination and conquest. They believed that these objectives would be reached by means of peaceful discussion. Furthermore, the witness and his associates were convinced of the sincerity of the High Leadership in the Nazi Party.

The witness professed to have never believed or heard that the Nazi Party policy, with respect to the abolition of parliamentary process, the centralization of law in the Party, the enactment of protective custody statutes, the exclusion of Jews, and the substitution of one of the German Labor Fronts for the various trade unions, was all part of a plan for war.

The witness had always heard that a good National Socialist could also become a good Christian.

H1093 - 0044

H1093 – 0045

Dr. Karl Franz Chudoba, a witness for the Corps of Political Leaders, gave the following evidence regarding the SA:

The witness testified that he was conversant with certain developments in student membership in the Nazi Party, as a result of his experience as Rector at the University of Bonn. He did not learn these things from having been a Gau Dozentenfuehrer or a Gau Dozentenleiter.

In the year 1933 and 1934 there was an obligation for people who wished to be registered at a university to belong to the SA or one of its organizations. The SA University Office existed only during 1933 and 1934 and the above requirement was later abandoned. The requirement that students belonged to the SA was unsuccessful primarily because of forcible student opposition.

After this experiment was abandoned there was uninterrupted pressure on the students to become members of the Party because studying was considered a privilege, the expense of which was borne by the State. The local Student Organizations and Student Works demanded that students belong to a Party organization before any financial support could be given them. The Student Works were registered societies which were subordinate to the directives of the Reich Education Ministry, an official State authority. In 1936 all Students' Associations were dissolved and attached to the NS Studentenbund. Membership in this Studentenbund was voluntary but belonging to it automatically entailed belonging to a Party organization. In 1936 membership in the Studentenbund became obligatory for students in the first three semesters.

Summarized by:

J. S. CONWAY

H1093 – 0046

SUMMARY OF EVIDENCE OF

E M M E R I C H D A V I D

WITNESS FOR THE SA TAKEN BEFORE

A COMMISSION ON

11 & 12 JULY 1946.

SUBJECT: Nature of Relations Between the SA and the Catholic Church in North Western Germany

Witness has occupied the position of vicar in the Catholic diocese of Cologne since 1931. During the years 1941 and 1942, there was no Archbishop in that locality and the witness was in temporary charge of the diocese in his capacity as vicar.

I. Activities Relating to Article 6 of the Charter

1. Nature of Relations Between the SA and the Catholic Church in North Western Germany

a. Reasons Which Influenced Catholics and Catholic Organizations to Align Themselves with the SA

The rapid increase in the membership of the SA during the years 1932 to 1934 was caused by social and economic discontent among the German people and by the pressure exerted by Nazi propaganda against the Republican type of government. After 1933, it was a definite advantage in the economic world to belong to some organization affiliated with the Party, and the SA offered the average individual the best means of securing this tangible benefit without coming into too close contact with the Party.

Various Catholic institutions, associations and schools attempted to protect their religious interests by connecting their organizations with the SA. They were convinced that there was no great risk for them so far as the ideological and moral side was concerned.

Leaders of Catholic youth organizations which belonged to the SA were determined to influence the youth within the SA along lines of Christian spirit and Christian social morals and to exert their influence against that of radical reformers, whereas their hope to prevent the German people from being ruined and the attitude of these leaders was best expressed by a statement of one that "... we want to take this swastika into our hands and want to drag on it, even if our hands become bleeding, until we have transformed this swastika again into a Christian cross".

In leading Catholic circles there was hope, in 1933, that a so-called national and social Reich could be established which would not violate the tenets of Christianity. Whether this hope was justified depended on the knowledge which one should have had of the real intentions and conceptions of the Party leaders. This hope was especially prevalent in circles which did not realize the true nature of a totalitarian state.

Since 1933 most new members to the SA were not members through conviction, but through expediency. Gradually this organization subsided in activity and importance. During the later period there were very small attendances at meetings and it became very difficult for the leaders to even succeed in convening a small group for sport. It was quite in line with this decline that the SA men did not take any active part in Party projects.

H1093-0047

The witness was under the impression that in parts of Germany outside of his area some groups of SA men had been used for reprehensible actions. He believed, however, that these were smaller groups using the name of the SA which were in the hands of some party organization in order to execute brutalities.

b. Early Theoretical Compatibility Between Announced Principles of the SA and Christian Philosophy

The general rules for the SA enjoining on SA members manly behavior were quite compatible with Christian philosophy and were approved by meetings of the bishops. At these meetings, however, the bishops issued express warnings against abuses.

The readiness to sacrifice one's life in a just war for love of the Fatherland was considered by the church a Christian virtue.

In 1933 and 1934, Catholics felt that even National Socialist youth organizations sponsored ideas which had been favored and accepted by the Christian authorities. It was necessary, however, that ideas of exaggerate race pride and the tendency toward brutality should be disapproved.

The program of the Nazi Party, insofar as it professed the obligation of the private owner toward common welfare and, at the same time, stressed the natural right of private ownership, was in harmony with the principles published in the Encyclical "Quadregesimo Anno".

The SA made efforts to win the favor of the Catholic church and its members. In addition, there was a public speech by Hitler to the Reichstag on 23 March 1933 in which he promised that the government would sponsor the teaching of religion in schools. Added to this there was the newly concluded Concordat. Catholic circles did not think it possible that a leader of a state would undertake, before the whole world, obligations which he did not intend to fulfill.

c. The Majority of Catholic SA Men did not Proceed Against, or Turn Away From, the Church

In the Catholic area of Western Germany the overwhelming majority of the SA did not indulge in any activities against the church, nor did they fall off in their fidelity to the church.

Three phases were noticeable in regard to uniformed attendance by SA men at religious ceremonies. In the earliest period, the church forbade any of its members to attend services in uniform. During the time immediately after the Concordat and certain favorable statements of Hitler, the church revoked its prohibition, and it was customary for SA groups to attend church in a body. During this time also the SA organization made propaganda use of various unit attendances at church ceremonies. After a revival of irreligious activity in the Party, the Party itself forbade all of its organization members to appear in official garb at church services. This last rule was invoked so as to prevent individual organization members from making uniformed appearances at church as individual demonstrations against official anti-church policy. The highest authorities of the SA did not evince the same hostility against the church as individual Party leaders such as Bormann, Streicher, Rosenberg and Goebbels, who were the most conspicuous enemies of Christianity.

The supreme command of the SA did not deify the terms "race" and "blood" as was done in certain newspapers like "Das Schwarze Korps" and "Der Stürmer", nor did SA leaders, to the witness' knowledge, indulge in reciting irreligious songs and propaganda. The organization newspaper, "The SA Man", did not publish articles against religion or articles attacking political Catholicism.

H1093 - 0048

In the witness' area the average SA man was not easy to influence against religion. On the contrary, there were protests from leading personalities against anti-church activity.

On cross-examination, the witness admitted that the Party, through its organizations, adopted and executed a program by which church influence was suppressed. But he believed that the SA, inasmuch as it became a non-functioning instrument of the Party, was of no effective use in this anti-church program.

Also on cross-examination, the witness admitted that there were occasional incidents in Bavaria in which the SA was used for irreligious activity. The witness' attention was called to a document (1507-PS) which was a report by the glazier Hans Heidl and related to the activity of the SA in causing an interruption in the services of the Cardinal of Freising. He accepted without question the authenticity of the document and the truth of the material contained in it, but he did question whether the events described were typical of the actions of the SA as a whole. He believed that this was one of the special groups in the SA to which he had already referred. His attention was then called to the fact that these were not people going under the name of the SA but were the SA themselves.

The witness' attention was next called to the fact that in the Organization Book of the Party, Hoheitstraeger of the political leaders were entitled to call upon the SA for the execution of political measures (including anti-church activities). He did not know the Organization Book of the Party or of any directives on this subject, but he believed it was a matter of greater importance whether the majority of SA men participated in such activities than whether such directives existed which would have authorized their participation.

The witness conceded, on cross-examination, that the Party could have called on all of its organizations, including the SA, for the political mission of eliminating the churches. However, in such an eventuality, the great majority of the SA men would have been in a camp hostile to the Party on this subject.

On re-direct examination, counsel for the SA introduced another part of the document 1507-PS, dated 26 April 1935, in which serious question was made as to whether members of the SA participated at all in the interruption of services at Freising.

II. Evidence of Voluntary or Compulsory Membership

To the best of witness' recollection, the adherence to the SA had always been caused by certain pressure. Chiefly this pressure was an economic one, consisting in the advantage which would be gained from membership. This influence was particularly present with respect to students in the higher classes of high school and in college. It could be said that membership in the SA was generally a voluntary act, influenced, however, by strong economic pressure.

III. Knowledge of Criminal Activities

The majority of SA men did not approve of the persecution of the Jews.

The great mass of SA men had no knowledge of the crimes which took place in concentration camps, and generally throughout Germany. The witness himself had a number of personal acquaintances, some of them churchmen, who were inmates in concentration camps. Nevertheless, with one exception, in spite of their friendship and confidence in the witness, none

H1093 – 0049

of these told the witness anything of the facts which are now known. The one exception was known to the witness as having long been erratic, and the witness did not believe the incredible story which this man told him. Therefore, the witness concluded that the great mass of men, who did not have anything like the opportunity he had to learn, could not have known of these things.

Summarized by: J.S. CONWAY

H1093 - 0050

SUMMARY OF EVIDENCE OF FREIHERR FRIEDRICH KARL VON EBERSTEIN,

WITNESS FOR THE SS TAKEN BEFORE

A COMMISSION ON

6 JULY 1946

SUBJECT:
1. The Roehm Putsch.
2. The Non-Participation of the SS in the Demonstrations of 9 November 193 .
3. The Activities of the Allgemeine SS during the War.
4. The Position of Higher SS and Police Leader Within the Homeland.
5. Concentration Camps.
6. The Action Against Dr. Rascher and the Biological Experiments.

Witness joined the Party in October 1922. He entered the SA in 1925 and served till 1926. He again entered the SA in 1930 and served until 1933. He joined the Allgemeine SS in 1928 and served till 1930. He entered the Allgemeine SS again in 1933, serving till 1945. Witness entered the Waffen SS on 1 July 1944 and served in it till the end of the war. Witness served from 1936 till 1945 in Munich as a higher SS and police leader.

I. Activities Relating to Article 6 of the Charter

1. The Roehm Putsch

In June 1934, witness was in charge of the SS Oberabschnitt in Dresd A week before 30 June, he was summoned by plane to Himmler's Hq. in Berli He was told that Roehm was planning a Putsch and was instructed to get i contact with his army district commander and to quietly alert his SS Oberabschnitt. Accordingly, witness contacted his army district chief and alerted the Allgemeine SS in Saxony who were kept in the barracks and off the streets during the critical days. Witness stated that it was relativ ly quiet in Saxony.

On 30 June, Obersturmbannf rer Bente of the SD, who was not under witness' jurisdiction, showed hi a special order of Heydrich's, listing 28 people who were to be arrested or shot. As it was not clear who was to be arrested and who was to be shot, a special courier was dispatched b auto to Berlin to contact Heydrich. He returned with an order to execut 8 of the men for high treason over Heydrich's signature. Witness stated that the 8 people were known to be terrorists and belonged to a bad elemen In Dresden, the arrests were carried out by the Beveitschaft group, and th executions by the Reichsgruppenfuehrer of Saxony.

On crossexamination, the witness claimed that the executions were "legal" and therefore could not be termed as murder.

2. The Non-Participation of the SS in the Demonstrations 9 November 1938

On 9 November 1938 witness was SS Obersturmbannfuehrer in Munich, police president in Munich, and chief of police in the office of the Minister of the Interior for Bavaria. Witness was not in the ballroom in Munich at the time Goebbels made his speech which resulted in the demonstr tions. He had already left with Hitler. He first knew of the events a 23.30 that evening when he was told that a synagogue was burning, and a f minutes later that Castle Planeck was burning and that the police were ask

H1093 – 0051

for reinforcements. He ordered a brigade to the synagogue and a riot squad to Castle Planeck to arrest the culprits there and put out the fire.

About 01.30 on the 10th, he was summoned by Himmler to a hotel where other SS officials were also present. He was then told by the assistant Gauleitor of Munich that Goebbels had made a hate speech which had set off the demonstrations after the witness and Hitler had left the ballroom.

They both then entered a car to ascertain the situation. Later, witness called all available police forces into the street and all Jewish stores were put under guard, He forbade members of the Allgemeine SS to participate in the demonstrations. Witness stated that he had no previous knowledge of the demonstrations, that he acted independently as police president with no orders from Hq. to quell the disturbances. No members the Allgemeine SS participated, with the exception of about 15 from the SS Riding School Fegelein who were not under witness' jurisdiction but under Weber. They had set fire to the Castle. The witness reported this to hi superior, Minister Wagner, but since Weber was a close friend of Hitler's, no action was taken.

The next day the witness saw reports indicating that the SS in Nürnberg had not participated as their Oberfuehrer Martin had acted severely against the demonstrations.

On cross-examination, the witness was interrogated with regard to document 3051-PS (USA 240), a teletype sent by Heydrich to all Hqs. and stations of the state police, and all districts and sub-districts of the SD Excerpts from this document read as follows:

> "The Chiefs of the State police and their deputies must get in telephonic contact with the political leaders, Gauleiters and Kreisleiters, who have jurisdiction of their districts, and shall arrange a joint meeting with the chief of the security and order police to discuss this organization of the demonstration".
>
> "In order to carry out these measures, all security police, officers of the criminal police, as well as members of the SD and Verfuegungstruppe and the Allgemeine SS may be used".

The witness maintained that although it was possible he might have seen the message later, he did not see it before the demonstrations started, and emphasized that he had had no previous knowledge of the demonstrations.

3. <u>The Activities of the Allgemeine SS During the War</u>

During the war the Allgemeine SS subsided almost completely and all staffs up to and including Standarten staff were closed down. Before the war there were 10,000 Allgemeine SS in witness' area but after the People's Army was called up, only 1,200 remained. The main job of the Allgemeine SS was to give support to SS welfare activities, but it lacked even enough members for that.

4. <u>The Position of Higher SS and Police Leader Within the Homeland</u>

Witness became Reichsfuehrer of the Higher SS and Police Leader in 19 when war started. He had been suggested for that position in a top secret mobilization decree of 1938 issued by the Reich Minister of Defense.

The main duty of the Higher SS and Police Leader was to act as representative of the Reichsfuehrer of the SS and Chief of German Police in a particular area. He could only make suggestions. He had no power to act. He did not have jurisdiction over Police or Waffen SS according to a

H1093 - 0052

directive of the Reich Minister of the Interior of 1938. (The officials of the police forces were the chief of the main office of the order police and chief of the main office of the security police. Their orders went to higher SS and police leaders only for informational purposes and they were representatives of the Reichsfuehrer SS for the police organizations). Jurisdiction of the Allgemeine SS was in the hands of the Oberabschnitt of the Allgemeine SS who in some cases was also Higher SS and Police Leader.

Before 1941 the Higher SS and Police Leaders were carried by the Reich Minister of the Interior as members of the order police in their own personal positions. In 1941 they became major generals of the police and were then considered as local officers of the Commanders. Witness regards the creation of the position of Higher SS and Police Leaders as a futile effort of Himmler to create a state security corps.

Specifically, their duties were as follows:

To act as a direct representative of Himmler at all official functions of the Party, state or army; to insure close cooperation between all offices under Himmler in the area of the Party, state and army; to insure a close cooperation between both SS and police as a unified course in certain events, such as security measures, catastrophes, etc; to take the position of Gerichtsherr in SS and police courts of their particular corps area. (This was not due to their jurisdiction, but because they were the highest ranking SS and police officers in the area). They did not have any disciplinary powers over SS and police. They had disciplinary powers over the Allgemeine SS if they also acted as Oberabschnittsfuehrer. They also had the duty of combining SS and police units in order to put down demonstrations, etc.

5. Concentration Camps

The witness stated that Albart, a witness for the Gestapo, who appeared before the Commission, was not correct in saying that a liaison man was appointed with the Higher SS and Police Leaders to insure the use of concentration camp prisoners for industrial work. The use of the inmates was regulated by local employment offices in connection with the camp Hq, according to witness.

Dachau was located in witness' area, but the camp was a completely separate and independent organization, and the Higher SS and Police Leader had nothing to do with it. He had never heard of mass extermination in the camp although he visited it from time to time.

Document 2376-PS, an affidavit by a Mr. Mildner, stated that orders for the confinement of Jews came from Reichsfuehrer SS Himmler. These orders were directed to the local Higher SS and Police offices. The liaison man on Jewish questions to the Higher SS and Police Leaders was Obersturmbannfuehrer Eichmann. Witness stated he had never heard of Eichmann until the present trials and as far as he knew the orders went directly to the State Gestapo office and the Gestapo main office, and because the Higher SS and Police Leaders had nothing to do with concentration camps there was no necessity for such a liaison man.

The witness knew of an investigation committee from the SS corps which had made some inquiry into conditions in concentration camps, but he did not participate in this action. He emphasized again that he had no right to be officially active in the camps.

H1093 – 0053

III. Knowledge of Criminal Activities

6. The Action Against Dr. Rascher and the Biological Experiments

The witness did not know till the spring of 1944 that experiments were being carried out at Dachau on human beings. He then discovered that Hauptsturmfuehrer Dr. Siegmund Rascher was responsible and caused his arrest on the charge of being involved in "an unclean business activity". However, Himmler was well acquainted with the Doctor's family and the case therefore never came up in court.

Summarized by: DOROTHY HUNT

H1093 – 0054

SUMMARY OF EVIDENCE OF HANS EHLICH, WITNESS FOR

THE SD TAKEN BEFORE A COMMISSION ON THE

4TH OF JULY, 1946

TRANSCRIPT PAGES NOS._____

SUBJECT: Functions of Section III B of the SD.

In this connection Defense Counsel stated that he wished to show:

(1) Since the establishment of the RSHA in 1939 the SD was not responsible for Jewish problems.

(2) The SD did not conspire to commit crimes against humanity nor did it have any control over concentration camps. No crimes against peace were committed.

(3) The SD did not carry out executions of political or racial "undesirables". If such executions were carried out, knowledge of them was confined to only a small circle of members of the SD. The SD did not carry out the "bullet order" or the "Nacht und Nebel" decrees.

(4) The SD was not concerned with the deportation of foreign workers, but on the contrary participated in the immigration and evacuation of foreign subjects from Germany.

Witness was group leader of Section III B of the SD. This section dealt with problems of population and public hygiene. Witness held this position from 1940 onwards.

I. Activities Relating to Article 6 of the Charter.

1. Jewish Problems.

The SD did not deal with Jewish problems or carry out the extermination of Jews. In cross examination witness stated that although there were still Jews in Germany after the war, the SD was not concerned with them. They reported, however, on all sections of the population which were likely to be hostile to the regime. I(4).

All problems concerning Jews were dealt with by the GESTAPO. Witness admitted that reports on Jews were occasionally made by his department, Section III B and after some discussion revealed that the so-called Central Department No. 2 (i) did deal with Jewish questions. Ased by the Prosecution whether since the SD were concerned with racial problems the Jewish problem was not therefore an important one, witness answered that the Jewish problem was not a problem of race.

2. Functions of Section III B of the SD. Imprisonment of "undesirables".

The functions of the above group consisted of intelligence reports on the "moral attitude and opinions of the people on events and the decrees of the authorities". These reports had special reference to questions of race and public hygiene. They also referred to questions of "Volksdum" which witness described as the study of racial and cultural characteristics.

The general directives given to witness's section were that (a) the SD had no executive but merely intelligence duties, and (b) Section III B was to confine its work to observing "formations and peculiarities of racial life".

H1093 - 0055

Shown Document No. R-113, witness stated that the SD was not concerned with the resettlement ofGermans in Poland who before the war had been hostile to the Reich. Where such German nationals were to be taken into protective custody the "expert advice" of the SD was requested before a decision was made by the GESTAPO as to whether they were undesirable.

(During a discussion regarding the nature of this document, witness stated that the SD would not apply for protective custody. This could only be done by the GESTAPO. The SD (Section III B) only gave an expert opinion on the "Volkdum aspect".)

In cross examination the witness stated that the Sd was an information service of the Party and made reports to it on the attitude of German nationals. In consequence the SD had to find out the names of people whose opinions were not favorable to the Party. He also stated that this applied to groups of people who might be in opposition to a particular decree of the Government.

The agents employed in Germany and elsewhere were known as V men and reported to branch offices of the SD. The GESTAPO did not act on reports by the SD. It had its own network of confidential agents.

Shown Document L158, witness was asked whether there was cooperation between the GESTAPO and the SD (Section III B). He was was prepared to admit that they were concerned with similar matters. Section III B was concerned in answering questions concerning the resistance in occupied territory.

3. Activities of SD Section III B in occupied Territory. Einsatzgruppen.

The task of Section IIIB of the SD was also to gather information on the population of occupied territories."in their most essential forms of life".

Witness said that he was acquainted with the activities of the Einsatzgruppen. His section received reports from members of the SD who belonged to the Einsatzgruppen on the effect on the morale of the population of the shooting of the Russian Jews. Nothing was said of mass extermination but in any case this was a matter for the RSHA. In some cases the population were reported to "deplore" such shootings, in other cases to have actually participated. There were no reports after 1943 in this connection.

Witness emphasized that the SD was an intelligence service and as it had no executive powers, it could order no shootings but merely reported their effects.

Witness denied having seen the entire report of Einsatzgruppen A contained in Document L-180 but said he might have seen parts of it or have heard of matters in it that concerned his section.

Asked whether the SD used gas vans he said that this had never been the case. (The Prosecution objected to further questioning on the subject of Einsatzgruppen, saying that the witness "obviously knew nothing about Einsatzgruppen".)

Witness explained in cross examination that in occupied territories the functions of the GESTAPO and SD were divided as follows. The GESTAPO was concerned with the security and the SD with what he described as "spheres of life", which meant the effect of the resistance of the Norwegian population on the economic and political situation in Norway.

Questioned further on the subject of cooperation between the SD and the GESTAPO, witness agreed that SD representatives were frequently present at conferences with the GESTAPO and were consulted before executive measures were taken.

Witness was also cross examined concerning the so-called Race and Settlement Office. The witness stated that the racial theories employed by the Race and Settlement Office were not the same as those which concerned the work of research of the SD Group III B. He reiterated that while it was possible that the SD might have participated in discussions concerning the deportation or elimination of certain groups of people, they never participated in the executive measures.

In further cross examination by the American Prosecution concerning the Einsatzgruppen, witness was shown Document R-112 - USA 308 where reference is made to the joint request of the GESTAPO and the SD for application for orders for protective custody in concentration camps. Witness had already said that he believed this order had never been carried out. His attention was then called to the last paragraph, No. 6, which states that the SD were to report continuously on Poles "suitable for Germanization" to the RSHA. Witness had no comment to make upon this.

He was also shown Document [illegible] PS and agreed that he recognized the signature of the Chief of the SD Ohlendorf. The Prosecution then read the affidavit of Ohlendorf concerning the activities of the Einsatzgruppe D in Russia in which it is stated that approximately 90,000 men, women and children were liquidated. Most of these were Jews. Asked whether this didn't show that his statement that members of the SD had nothing to do with the execution of the Jews was not strictly accurate, witness answered that such executions "did not belong to the orders which were furnished to the members of the AMT III for their employment in the East". If members of the SD did take part in the execution of Jews, they did not do that by way of their intelligence service instructions but "on orders of the commander during their Einsatzgruppen activities."

4. Prisoners of War. The Bullet Decree.

The alleged agreement to exterminate Russian prisoners of War did not concern the SD. Shown PS 1650 "the bullet decree", D-569, Treatment of Prisoners of War, PS 1514, transfer of Prisoners of War to the GESTAPO, witness stated that the Sd was not concerned with the execution of these orders. The SD was, however, concerned with counter-intelligence among prisoners of war, eg., the effect of prisoner of war employment on the population in general.

In answer to the Prosecution, witness explained that Document 115 PS - USA 244 concerning Russian prisoners of war who were to be shot in concentration camps, was only sent to the SD for information and not for action. Witness stated that the SD department to which he belonged reported on the transportation of prisoners of war and on the conditions prevailing in eastern territories.

5. Forced Labor.

Witness declared that the SD concerned itself with German minorities and their problems but not with the deportation of nationals of occupied territory. The SD had no authority to punish foreign workers nor, as alleged by the Prosecution, did they assert any control over them within the Reich.

Witness was shown Document L 61, dated 26 November 1942 submitted by the Prosecution to show that the SD took part in deportations. He said that in this case the SD is only referred to in connection with the office of the "Chief of Security Police and SD". The deportation in question was not authorized by the Reichs Fuehrer SS as the result of reports made by the SD.

Witness in cross examination reiterated his previous statement that the SD was not concerned with any executive measures with regard to deportation but was occasionally consulted by the offices concerned.

H1093 - 0056

H1093 - 0057

6. The "Nacht und Nebel Decree".

Witness was referred to Page 36 of the German transcript of the SS trial brief which reads "Immigration central offices were elected to proceed with evacuation under the [illegible]ion of the Chief of the Security Police and SD and of the RSHA". Witness explained that there was in fact only one central immigration office which regulated racial Germans returning to the Reich on the "Volkdum principle". The SD was concerned with this immigration but not in the intelligence or deportation sphere.

II. Knowledge of Criminal Activities.

1. Knowledge of shootings by the Einsatzgruppen.

Witness stated that only persons dealing with the Einsatzgruppen knew of the reports on shootings of Jews and other people made by the SD. In witness's group of 90 persons, he estimated that only three or four persons could have known.

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1093 – 0058

SUMMARY OF EVIDENCE OF KARL ENGELBERT WITNESS

FOR THE CORPS OF POLITICAL LEADERS ORGANIZATION

TAKEN BEFORE A COMMISSION ON

17 JUNE 1946 TRANSCRIPT PAGES 1126 TO 1145

19 JUNE 1946 TRANSCRIPT PAGES 1081 TO 1087

SUBJECT: Authority, responsibility and duties of Kreiswirtschaftsberaters (advisors on the staff of a Kreisleiter), Blockleiters and Zellenleiters.

Witness was a technical engineer in the city of Bonn. He was counsellor in charge of building activities there since 1924. He joined the Party on May 1, 1933, never having belonged to one of the democratic parties in Germany prior to that time. On April 20, 1937 he received a letter from the gauleiter in Cologne appointing him economic advisor to the kreisleiter. This position he filled until the capitulation. (p. 1126)

I. Activities Relating to Article 6 of the Charter

1. Activities of Kreiswirtschaftsberaters, Blockleiters and Zellenleiters

Some of the kreiswirtschaftsberaters were selected from industry and trade. Others were Civil Servants who were concerned with economic matters. The position came under the disciplinary jurisdiction of the kreisleiter and directives were received from the gauwirtschaftsberater who was on the staff of the gauleiter and who in turn received his instructions from the gauleiter and from the deputy of the Fuehrer. (pp. 1127, 1128)

Witness' job was counsellor to the kreisleiter and to his fellow citizens on matters economic. People came to him for tax information. Until the outbreak of war he held monthly economic conferences with the representatives of industry, trade, the German Labor Front and the crafts, and reported on these conferences to the kreisleiter. These conferences dealt with such problems as monetary, raw materials, and labor supply. After the outbreak of war the Army took care of industrial establishments and the conferences were then held only occasionally for the purpose of giving advice to individual citizens. (p. 1129)

There were other professional offices within the kreis which dealt with health, education, Civil Servants, technique, legal advisors, trades, industry, community policy, and agricultural policy. (p. 1129)

Witness in his position of economic advisor participated in conferences which were held every two or three months and were attended by the kreisleiter and his other professional advisors. At these meetings the kreisleiter gave a general review of the situation and asked for opinions and suggestions on matters of common interest. A schedule of important dates was announced. Such meetings averaged about one and a half hours in length. (p. 1130)

Witness did not participate in the monthly conferences which the kreisleiter held with his political advisors. Witness' only connection with the kreisleiter was to advise those who were sent to him by the kreisleiter for information on economic matters. Other than that he received no orders from the kreisleiter. He had no connection with other Nazi organizations, such as the SA, the SS, and the German Labor Front. (p. 1130)

H1093 – 0059

Witness had never seen the Ley Organizations Book of the Nazi Party. He had a knowledge of Hitler's order in which it was directed that no person should know any more than was necessary for the fulfilment of his tasks but he had not learned of this order as a political leader but as a Civil Servant merely. He never received any secret orders. (p. 1131)

It was not proper to call kreiswirtschaftsberaters political leaders in the full sense of the word. They had no concern with political questions. It was true, however, that any office holder was called a political leader in the terminology used by the Party. (pp. 1131, 1132)

Nothing was known within the staff of the kreisleiter to which he belonged with regard to planning for aggressive war. When war did break out in 1939 the public reaction was one of gravity and determination. (p. 1133)

There was no possibility for those on the advisory staff of the kreisleiter to exert even the influence of a suggestion upon the legislation of the Third Reich. (p. 1133)

On cross examination the witness testified that he had heard of no obligation or no duty of the blockleiter to keep a card index for every person in the block. He testified that he did not do this when he was acting blockleiter during the summer months of 1933. He was shown that part of Document D 901-A which was an instruction from the gauleiter in Cologne, dated January 31, 1941, and which referred to the orders of May 1, 1938 relating to the necessity of uniform procedure in the keeping of card indices of households. He never received such a directive; although it was from his own gauleiter in his own Gau. His attention was called to paragraphs of this document which related to the filling in of data on these cards regarding the political opinions of the people. He was not willing to concede that such data was spying. He was shown an instruction that these cards should not be filled in by the people themselves but that the information should be prepared by the blockleiter on the basis of frequent visits to the household. He then conceded that this would be spying but he did not believe that this information was gathered for the purpose of turning certain people over to the Gestapo or the SD but that it was for use in checking up on those who applied for responsible positions as Civil Servants. (pp. 1083 to 1085)

Within the kreis of Cologne-Aachen to which witness belonged, it was necessary that political leaders perform for three-month periods the functions of blockleiter and zellenleiter. The witness fulfilled these requirements by serving for three months as deputy to a blockleiter and three months as deputy to a zellenleiter. (p. 1138)

He denied that these leaders were small dictators of the population and that they had any police duties or authority over the police. They had no authority over the liberty or lives of citizens. They were not in any sense bearers of sovereignty but only fulfilled the orders of the ortsgruppenleiters. To all essential purposes they were not as important nor did they have as much authority, responsibility, knowledge and privileges as had those who were assistants and co-workers of the ortsgruppenleiter and who have not been included within the indictment. The block and zell leaders did not have any right to enlist the help of any Party formations to enforce their instructions. (pp. 1138, 1139)

These minor political leaders were supposed to gain the confidence of the people within their district. It was not to their advantage to spy on their people. (p. 1140)

Block and zellenleiters had no interest in the domestic or foreign policy, or in the planning of aggressive war, or in crimes against humanity, or infractions against the rules of warfare. (p. 1140)

H1093 – 0060

2. Political activity as affecting the churches

To the witness' knowledge, most political leaders belonged to a Christian church. He himself had been active in church affairs and continued to be so. It was the same with the other political leaders in his district. He could not remember any instructions from the gauleiters or kreisleiters to leave the church; although he did recall that a conference of advisors to the kreisleiter in 1938 started to discuss the matter of leaving the church. The kreisleiter forbade further discussion on this subject. (p. 1132)

The political leaders took no part in the persecution of the Christian churches as far as witness knew nor were they aware of the intention of the high Party leaders to fight against the church. In his capacity as a high Civil Servant he did learn of the confiscation of church property by the Gestapo. (pp. 1134, 1135)

On cross examination the witness was shown a series of letters from an ortsgruppenleiter to a kreisleiter, which was taken from Document D 901. A letter, dated February 20, 1939, informed the kreisleiter of meetings of the Confessional Front in a particular church. The witness believed that this was a particular case and repeated that no such instance happened in his district. That information had originated in a particular block. He agreed that the procedure which was recorded in the document, namely, the turning over of the affair to the Gestapo, was the procedure which would be indicated in such a case. (p. 1082)

3. Activities Against the Jews

Witness knew nothing of the instructions contained in Document P.S. 3051 U.S. 0520, a telegram by Ley, dated November 10, 1938, to all State police officers, in which it was ordered that these Gestapo officials cooperate with the political leaders in arranging the anti-Jewish demonstrations. (pp. 1135, 1136)

The advisors to the kreisleiter had no part in requiring the wearing of yellow stars by Jews, in the denial of their right to participate in elections, in restriction with regard to the living quarters of Jews, in their forced labor, in confiscation of their property, in deportations, and lastly in mass murder in the East and in concentration camps. No information concerning what happened at the concentration camps came to the attention of these political advisors. (p. 1136)

The witness during his short terms as block and zell leaders did not learn of the order of the Gau of Coblenz-Trier, in which the Propaganda Department instructed the kreisleiters, with regard to the fight against the Jews. He knew nothing of the measures which were enjoined in that document (374 U.S. 729): setting up a sub-committee within the kreis to inform the kreis of all those who bought from the Jews. Block and zell leaders would not have been the right persons to supervise this type of work because they invariably worked at their own occupations during the day time. Furthermore, it would have interfered with the confidence of the people which was necessary for the performance of their tasks. This type of order would have been sent to the Propaganda Department. Witness remembered that when a list of the Jewish stores was sent to the kreis office in Bonn the kreisleiter prohibited its publication. On cross examination the witness maintained the position that the boycott of the Jews, as it was practiced in 1933, was not a form of persecution. He admitted, however, that burning of synagogues and consigning of Jews to concentration camps was persecution. He conceded that seizure of property which belonged to Jews for a tenth of its value was persecution as was also requiring the Jews to wear yellow stars on their backs. (pp. 1142, 1143)

H1093-0061

4. Mistreatment of Allied Fliers

The witness never learned of any instructions from Kreisleiter Bormann to the Party leaders that they should not interfere with the lynching of Allied fliers who were grounded in German territory. (p. 1136)

III. Knowledge of Criminal Activities

The participation of prominent members of the Corps of Political Leaders early in 1933 occurred before the witness took office and prior to the date when most of the offices of professional advisors were created Staff members of the kreisleiters knew nothing of the activities of the Einsatztab Rosenberg in looting art treasures in German occupied territories. (p. 1135)

The witness himself and others in a similar position were never informed of Hitler's instructions to Reichs Leader Bouhler and Dr. Brandt, which authorized certain physicians to administer mercy killings in cases of people desperately ill. He was not sure that the advisor to the kreisleiter on health matters had not heard of such regulations. (pp. 1136, 1137)

The witness knew that foreign labor was being used in Germany but believed that they were fed and paid properly. He did not know of their mistreatment in the area around Cologne; although he did admit that they were used to clear debris after an air raid on that city. (p. 1143)

Witness admitted that all those in positions similar to his knew of concentration camps, the persecution of the Jews, the activities of the Gestapo, and the employment of foreign labor in the Reich. (pp. 1143, 1144)

While he stressed the lack of influence of the individual political leaders in the lower brackets, the witness admitted that except for them the Party machine could never have functioned. He maintained that people took these jobs and stayed in them because the Party had done good things. He justified this support of the Nazi Party even in the face of its depredations on the ground that the other political parties had not been brave enough to balance the budget or withhold funds from the institutions of their political friends. It was the failure of parliamentary institutions which necessitated the emergency measures adopted by the Nazi Party. (pp. 1144, 1145)

Summarized by:

J. S. CONWAY

H1093-0062

Mrs Alexander

SUMMARY OF EVIDENCE OF

E R N S T G E I E R

WITNESS FOR THE SA TAKEN BEFORE

A COMMISSION ON

1 AUGUST 1946

SUBJECT: Preparations for the Party Congress of 1 September 1939, Proving Lack of Knowledge on the Part of the SA of the Imminence of War

The witness was president of the German railroad in Nürnberg from 1933 to September 1943, when he was arrested by the Gestapo and imprisoned.

I. Activities Relating to Article 6 of the Charter

The witness, as chief of the German railroad in Nürnberg, took care of railroad transportation for the diplomatic corps during the Party Congress of 1938. About 2 million people were transported by rail on this occasion. The witness stated that the SA and SS acted as hosts to the diplomats and he was asked regarding the relationship existing between the diplomats with the SA and SS. The Commissioner stated that this relationship was admittedly friendly on certain occasions and the question was ruled to be irrelevant.

The witness testified that in 1939 he was instructed to make arrangements to transport about 2,200,000 people to Nürnberg on the occasion of the Party Congress. At the end of August 1939, Minister of the Rich, Dorpmueller, came to Nürnberg to check on the situation, and told the witness that the Party Congress had already started, that troops were already being unloaded, and that there was no question of war. The trains began arriving in Nürnberg about 10 to 14 days before 1 September, and by the 1st the volume of traffic was tremendous. (The defense, by this line of questioning, sought to show that if all arrangements were made for this rally up to the last minute, members of the SA could not be supposed to have thought that a war was going to break out).

When war against Poland did break out on 1 September 1939, the witness received orders from Berlin to cancel all transportation for the Party Congress. This, together with the order of mobilization, seriously endangered the entire railroad system. The witness stated that he was never informed, and he had no knowledge of the imminence of an aggressive war.

Summarized by: D.M. HUNT

H1093 – 0063

SUMMARY OF EVIDENCE OF HEINZ JOACHIM GRAF

WITNESS FOR THE SS TAKEN BEFORE A COMMISSION

ON THE 12 OF JUNE, 1946

TRANSCRIPT PAGES 913-930 AND PAGES 774-786

SUBJECT: Activities of the Research and Seminar Department AHMENERBE (heritage of our ancestors) and Interpreting Departments of the SS and of the 5th SS Mountain Army.

I. Activities relating to Article 6 of the Charter.

1. The Research Department (AHMENERBE).

Counsel sought to prove that the above Departments performed no criminal activities (Page 913). Witness was consultant in the "Research and Seminar Department" of the Heritage of our Ancestors" (AHMENERBE). The aim of this organization was research on the "cultural heritage of the Indo Europeanpeople" on the basis of a new European World".

Scientists were attracted to this Organization because they were well paid and received funds for research. They were keeping in touch with foreign scientists, including those in America, as late as 1941 (Page 914). Their rank in the SS was honorary. They were not connected with the extermination of Jews. Witness entered the WAFFEN-SS in 1939 and claimed this research department did nothing criminal while he was there (Page 915).

In cross examination witness stated that in the AHNENERBE there were about 50 honorary members of the SS (Page 924). He denied, in answer to the French Prosecution, that he ever worked with a medical or biological department connected with the AHMENERBE (Page 774). The only connection between the AHMENERBE and the "Reichs Research Council was a "personnel union".

He denied any knowledge prior to reading in the newspapers of experiments conducted on inmates of concentration camps. The head of the Reichs Research Department during the war was SS Standartenfuehrer Sievers (Page 775). He stated also that the Department of Research of the AHMENERBE comprised (1) the Research and Antique Department, and (2) German Psychology and Civilization Department. There was also a department that concerned itself with research, working on the Eggestein, which was supposed to be an old German Sacred Temple. (Page 778)

2. Activities and Recruiting of the Interpreting Division of the SS. Methods of Interrogation and Treatment ofPrisoners of War.

Witness was ordered to found the Interpreting Division of the WAFFEN-SS in 1941. This department was established owing to difficulty of obtaining suitable interpreters from the Army (Page 915). Since there were a large number of Volksdeutschen (Germans living abroad) in the WAFFEN-SS there were many interpreters at his disposal. Interpreters were trained according to international law and to interrogate POW's.

Witness told his pupils that prisoners of war were deserving of our "humane and personal esteem". The obtaining of military information was only of "secondary importance". Third degree methods were not allowed and the Geneva Convention was to be observed (Page 916). None of the reports submitted by the interpreters to the witness ever showed evidence of illegal methods. He remained in charge of this Division up to August 1943 (Page 917).

In cross examination witness denied that instructions for the interpreters came from either the Army, the security police or the SD (Page 778). Instructions were always received through the High Command (Page 779). The interpreting division belonged to the Technical Operations Staff of the WAFFEN-SS (Page 780).

H1093-0064

In cross examination witness stated that interrogation was usually carried out by officers accompanied by interpreters but if the prisoner was of low rank and importance, it was sometimes done by an interpreter alone (Page 927). These interpreters were not used by the Einsatz-commanders or in concentration camps.

Shown PS 1137, witness could not say whether interpreters for the WAFFEN-SS would have been employed by the office for recruiting young men from the eastern territories for employment in the Reich (Page 928).

In re-examination witness denied that third degree interrogations had ever taken place. Reports were made by the High Command stating that the enemy were alleging that the German Army used thse methods. The High Command also produced evidence showing that the enemy themselves were doing this (Page 785). Witness also said that on Page 786 that similar interrogation units were attached to all military formations and not only the WAFFEN-SS.

3. The Commando Order of October 1942. Treatment of the commandos by the WAFFEN-SS on the Dalmatian Coast. Evidence of British Commandos.

Witness was first interpreter with the 5th Mountain Corps of the SS in April 1944. At a conference at that time the Corps Intelligence Officer stated that as the unit was on the Dalmatian Coast they might expect commandos to land and support Tito. They did not, however, intend to carry out Hitler's order since the commandos were in uniform and were fighting according to the rules of war (Page 917). It was suggested that the Corps Commander should issue the above instructions to all units and this was done.

Witness stated that he knew of a photostatic copy of a letter from Lt. Colonel Jack Churchill, commander of the 2nd Service Brigade, expressing thanks for the correct treatment that he received. Witness interrogated Colonel Churchill himself after the action on the island of Gratz and did not press him to give military information although this would have been of great value.

The same circumstances applies to the case of the English Lt. Colonel Skipwith who was also taken prisoner in that action (Page 718).

4. Treatment of Partisans in the Balkans. Tito's Bands.

The 5th Mountain SS Corps was in the Balkans in the autumn of 1944 when Tito's bands had become properly organized and wore uniforms. They were always treated according to international law, even those who did not wear uniforms and were fairly treated and properly fed according to the "number 3" ration rate.

There was a prisoner of war collecting camp for these partisans at Zenica (Page 919). It was in the charge of SS Sturmbannfuehrer Keller. The camp was "pleasant".

5. Treatment of the Civilian Population in the Balkans.

German SS troops were severely punished for excesses towards the civilian population and examples were frequently made. Witness knew of no order in his unit which stated that soldiers were not to be punished for such excesses (Page920). There was, however, an order that in certain circumstances German soldiers did not have to be punished (Page 921).

In cross examination witness declared that German troops were legally tried for "organizing" (i.e., stealing or appropriating) the property of the civilian population in Russia (Page 784).

6. Operations of Anti Partisan Troops under von den Bach Silowski.

The chief of these troops, von den Bach Silowski, had no right to give orders to the SS Mountain troops. Bach Silewski's statement on page

H1093 – 0065

2408 of the German transcript of his hearing before the Tribunal that there was confusion regarding the meaning of the term partisan did not apply to the European theater. The term partisan was also taken to mean bandit or "Freischaerler" as defined in the Hague and Geneva Conventions. Bach Silewski's statement that this term was not clearly defined until 1944 is wrong. It had been agreed upon as early as 1942 (Page 922) and there was no difference of opinion as to the definition although there may have been as to the tactics employed (Page 923).

II. Evidence of voluntary or compulsory membership.

1. Position of members of the AHNENERBE.

Members of the AHNENERBE were in some cases honorary members of the SS and they could not be forced to join (915). In cross examination witness re-interated this statement in answer to the Prosecution (Page 925).

2. Recruiting of interpreters for the WAFFEN-SS.

In cross examination witness stated that interpreters were not recruited but were transferred from other sections of the WAFFEN-SS. They volunteered to be interpreters. Up to 1943 700 men passed through the witness's section, 280 of th se passed the examination. (Page 925).

Witness never heard any complaint by an officer or soldier that he was compelled to join this Department in the SS against his will, nor that the units in which the interpreters were serving had broken the rules of war (Page 927).

III. Knowledge of Criminal Activities.

1. Reports published on the activities of the AHNENERBE.

Report on the activities of the AHNENERBE was made to all members each year (Page 776). Research work by the medical and biological departments was not included. Witness had only two very brief contacts with the AHNENERBE during the war.

2. Einsatzgruppen.

In answer to the cross examination by the Russian Prosecution, witness said that he had never heard the word "Einsatzgruppen" in connection with the interpreting section, nor did he even know its meaning (Page 780).

3. Hostages and the Political Commissar Order.

T The order of the 10th of December 1941 which states that for one German killed, 1500 Russians would have to be killed, was only used in 40 copies to high ranking officers and was not known to the witness until long afterwards (Page 783). This was in answer to the Russian Prosecution. Witness also denied any knowledge of the so-called Commissar order of the 31st of March 1941.

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1093 – 0066

SUMMARY OF EVIDENCE OF LUDWIG GRAUERT,

WITNESS FOR THE SS, TAKEN BEFORE

A COMMISSION ON

24 JUNE 1946

SUBJECT: Lack of Connection Between the Allgemeine or Regular SS and SD, and Between the Allgemeine SS and the Gestapo

Witness served as State Attorney in the Prussian Justice administration. In the early part of February 1933, he entered the Prussian Ministry of the Interior as Chief of Police, and later as Ministerial Director. On April 14, 1933, witness was made State Secretary of Prussia. This was a few days before Goering became Prime Minister of Prussia. Witness was completely unknown in political circles and in 1933 Roehm offered him the rank of Oberfuehrer in the SS for prestige purposes. He was not a member of the Party.

I. Activities Relating to Article 6 of the Charter

1. Structural and Actual Independence of SS from SD or Gestapo

In April of 1932 the SA and SS were prohibited by order of the Minister of the Army. This order was rescinded by Von Papen's cabinet in June of 1932. Witness believed that any criminal actions of the SA or SS during the years 1933 and 1934 were not the result of criminal goals of the organizations or of orders of superiors in those organizations, but were caused by frictions consequent upon Hitler's rise to power. The SA was anxious to settle its political score. Furthermore, there was an extensive mistrust against the police in Berlin and throughout Prussia. Membership in the SS and SA had increased rapidly and many people had been taken into these organizations without any check of their political background. These were to a large extent unemployed and some were members of the Communist and Socialist parties.

The witness had conversations with Chief of Staff Roehm of the SA with the object of bringing the men of these two cliques towards the State again. Witness, as an official in the Prussian police, could have relieved quite a few policemen of duty, but believed it was wiser to use the SS and SA as auxiliary police. In addition, he selected SA and SS men for posts of police president and he created a Field Gendarmerie under the command of former police officer and later SA Standartenfuehrer Fritsch, which consisted of SA and SS officers. Generally speaking, the SA and SS Gruppenfuehrers carried out their police officer duties very well and those who did not were removed, with the approval of Roehm, not only from their police posts, but also from SA and SS officer positions.

When the Gestapo was organized in 1933 in Prussia, its administrative and executive posts were not to any large extent occupied by members of the SS or SA. Its chief was Oberregierungsrat, later Ministerialrat, Daluege. Most administrative personnel came from administrative and executive personnel from the Prussian general police. Some members of the SA and SS were taken into lower jobs in the Gestapo, and it was this fact that created the impression at the outset that the Gestapo was formed by SA and SS men. It was for the purpose of alleviating the severe unemployment that SA and SS men were taken into the lower brackets of the newly-formed Gestapo.

H1093-0067

On 30 June 1934, Lutze was made Chief of Staff of the SA. The SS was taken away from the SA and put under Himmler. Witness regretted this separation because he believed Lutze was capable of organizing both organizations to the best interest of the Reich, but Hitler wanted to divide the power of the SA once and for all. The SA turned its attention to matters concerning re-settlement of the population from the city to the country, and the solution of the racial question through the medium of a racial corps. These projects led to the creation of honorary SS leaders from among the farming experts and leaders with whom the SS cooperated.

Himmler named a large number of men of industry, science and medical circles as honorary SS leaders. No regard was given to their political activity or membership, but the social standing was considered very important. A number of members of aristocratic families became SS men and from various conversations with these, the witness gained the impression that their membership did not displease them.

There were some instances in which the witness had to dismiss State Counsellors for unworthy conduct, and in these cases he based his action on reports of the Oberabschnittsfuehrer of the SS. At this time the SD and Regular SS had no organizational connection with the Gestapo. The SD took over the Intelligence Service within the Gestapo, with the result that the Intelligence Service within the State was no longer under State control, meaning it was under Party control.

In June of 1936, witness retired from the State Service and entered the Air Force. He retained his position in the SS. On cross-examination he stated that he took this action for two reasons. First of all he was opposed to the organization of the Gestapo according to the law of 26 February 1936, and secondly he was displeased with the continual reports which he received concerning the beating of witnesses and general mistreatment by Gestapo men. He did not want to have anything to do with the kind of activity into which decent people were put.

Prior to his entry into the Gestapo, witness worked as legal adviser and managing foreman of the organization of the North-West Group of Steel and Iron Industrialists. He remembered aiding in the loan of sums of money to the Nazi Party, to the extent of 200,000 Marks, which were never repaid, but he would not agree that these loans ever reached the total of 500,000 Marks. He did not believe that his appointments as Ministerial Director and as Minister of the Interior in 1933 were owing to this support of the Party, and mentioned the fact that he left a better paying and less burdensome position in order to take the job in the Ministry. He agreed that the shooting of his predecessor, Ministerial Director Klausner, on 30 June 1934 was murder, but at the time saw a legal basis for it in the law which had been passed on the 3rd of July. This in turn had its origin in a law of 23 March 1933. Questioned as to whether it could be any the less murder because a law had been passed by a "so-called Fuehrer", he maintained that there are examples which are settled legally later. This law was passed and signed by competent authorities. He would not unequivocally answer a question as to whether a law for the extermination of all Jews would be right or not.

He claimed that the question was too general for him to answer. He did admit that the killing and gassing of the Jews was the most terrible crime he could imagine. He was not sure of the criminal nature of the killing of his predecessor, Ministerial Director Klausner, because he did not know the facts of the case. He considered that if what he had heard since is the truth, then Klausner was murdered.

Witness knew of the Columbia House in Berlin and of the maltreatment which occured there. He had heard that the guards were SS men.

H1093 - 0068

At the time of the Reichstag fire - 28 February 1933 - witness reported to Minister Goering at the Reichstag building in order to see what measures were being taken. He made a public appearance there with Hitler and Goering. He heard later that this building was set afire by SA men, and he agreed with Goering's testimony at the Trial that Hitler had ordered that the fire be blamed on the Communists. He admitted that the regulation abolishing civil rights which followed this incident was thus based on a swindle. He denied that he knew of this at the time.

Witness stated that he was opposed to the trend in the SS and police force which took place in 1936 when Hitler became Chief of Police, under which these two organizations were drawn closer together as uniform gate protectors of the Reich. He knew that this would lead to terrible consequences and that the cordon of central organization would be destroyed. He feared that under such a system no one would any longer have clear responsibility, because the same people who were subordinate to the State were also subordinate to Himmler. He considered that this trend was the cause of all subsequent disasters.

2. Churches

Witness knew of no SS instructions or regulations which were hostile to the church or church policy. A Catholic, he was married in the church in his SS uniform. He attended his wife's funeral in uniform, and, as an SS official, he attended various public church ceremonies in uniform. He believed at that time that he would be able to bring about an agreement between Catholicism and National Socialism.

II. Evidence of Voluntary or Compulsory Membership

When Himmler took over the leadership of the SS in 1934, he appointed a number of members of aristocratic families to the leadership of this organization. Witness had spoken often to these people on social occasions and never once heard from them that they did not like to be in the SS.

III. Knowledge of Criminal Activities

On the morning of 30 June 1934, Police Chief Daluege informed the witness that Roehm had planned a Putsch and that Hitler had taken steps to overcome this movement, with Goering in charge of the Berlin area. Witness testified that he learnt from Daluege and from Goering of the execution of Roehm and other SA Gruppenfuehrers. Goering told witness to return to the Ministry of the Interior so as to be on hand in the event it should become necessary to use the Order Police. This was not found necessary. Witness was informed at this time that Roehm and his assistants had conspired to overthrow Hitler and create a People's Army. This was an act of high treason.

The Prosecution objected to this line of testimony on the ground that it was admitted that Goering had directed these killings and that they were planned murders. It was contended by the Prosecution that the only pertinent question was what part, if any, the SS as an organization had played in the carrying out of the murders. Counsel for the SS believed that this testimony of a high official was probative of the fact that the happenings of June 1934 constituted a regular act of the State and of its executives, and that there was no indication, even in the Ministry, that there had been a wilful killing against the law, but rather that these killings were within, and according to, the law. On this theory, the witness was allowed to follow this line of testimony.

H1093-0069

The Ministerial Director and Chief of Police informed witness of the mobilization of the Regular SS throughout Prussia and that executions had been carried out by the Liebstandarten in Berlin and Munich. The following day it became apparent that more people had been shot than was believed at first. Witness was told that various State Attorneys had begun proceedings against unknown murderers and on 3 July the famous decree was issued under which shootings which had taken place outside the State Martial Law were explained and justified. Hitler made a speech in which he declared that crimes which had been committed in the name of this action would be punished by the regular courts. The Minister of Justice was interested in this matter and witness supposed that Reich Chancellor Von Papen would see to its execution because two close associates of his had been shot. Witness did not concern himself further because it was not within his jurisdiction.

Witness did not remember any cases of kidnapping of people in foreign countries by the Gestapo. An excerpt from a document which mentioned the serious consequences inherent in the kidnapping in Switzerland of Jakob, and in the Netherlands of Gutzeid was produced. Witness did not remember writing these incidents but if this document contained comments of his, he must have had some basis for them. He had a similar conclusion with respect to an entry concerning the confinement in protective custody of the Kreisleiter in Esterwegen. He remembered that in this case the SS had been sent into the district to ameliorate conditions, but had frequently arrested people, brought them to the camp, and mistreated them. This Kreisleiter had been arrested by the Gestapo and had been maltreated by either the SS or the Gestapo.

During the witness' service with the Air Force he did not learn of any inhuman activities in the concentration camps or of any mass murders in the East. He had retained his status as SS leader, and during his military service he talked to many higher officials and acquaintances. He attributed his lack of knowledge as to what was really going on to the efficiency of Heydrich's secrecy regulations.

H1093 - 0070

SUMMARY OF EVIDENCE OF LUDWIG GRAUERT,

WITNESS FOR THE SS, TAKEN BEFORE

A COMMISSION ON

24 JUNE 1946

SUBJECT: Lack of Connection Between the Allgemeine SS and the Gestapo

This witness gave evidence for the Gestapo during his testimony.

I. Activities Relating to Article 6 of the Charter

Witness was never a member of the Gestapo. He testified that prior to 1933 there was a political police system in the different German Landers. After the seizure of power by the Nazi Party, a law was issued on 26 April 1933 establishing secret police in Prussia. Witness had a leading part in the issuance of this law. This measure was taken principally for the centralization of the police Department. The Gestapo was not given any task different from those which formerly were handled by the police offices of the different Landers. The entire office staff of the 1A Department of the Police President's Office was taken over as a group.

The Gestapo had no connection with camps established and maintained by or with SA and SS groups. Witness did not believe that the Gestapo took any part in the maltreatment of prisoners in these camps because he did not receive any official reports of Gestapo activity in this regard. If such actions to any large extent were perpetrated by the Gestapo, the witness would have learnt of them.

From April 26 to November 30, 1933, the regulations applying to Gestapo activities were police regulations over which there was penal jurisdiction. Penal measures could be applied against a Gestapo office for any unauthorized action it might have taken. This came under the jurisdiction of police administration law.

Witness did not believe that the Gestapo had any part in the Roehm Putsch.

Witness recommended the dismissal of Diehls from his position as Gestapo inspector because of unsavory incidents which came to the attention of the witness. Diehls had also attempted to wrest the Gestapo away from the supervisory administration of the Prussian State Secretary and thus create the possibility of total unsupervized action by the Gestapo.

Witness was instrumental in preparing the regulations concerning protective custody. The legal bases for this were the regulations regarding the protection of the nation and state of 28 February 1933. This law was faulty because it left unsettled various concepts of police regulations which needed clarification in order that protective custody should be consistently administered. Protective custody was instituted to handle cases of people politically opposed to the means of the state. These preventative arrests were based generally on the regulations previously mentioned and on a foundation in Prussian police law. Arrests which exceeded 8 days could be carried out only with the consent of the Prussian Prime Minister, and cases of temporary arrests on suspicion of crimes had to be transferred within 24 hours to the proper legal courts for decision. Witness doubted the testimony of Gisevius recorded on p. 8255 of the English transcript, to the effect that Goering had given the Gestapo authority to carry out murders in which the name of the victim was left blank until the time of apprehension. Witness did not believe that this could come under

H1093 - 0071

the right of obliteration residing in the president or head of the state because this right involved the settling of an investigation before decision could be taken. He knew of no other basis for such a procedure.

After the witness' predecessor, Ministerial Director Klausner, had been shot, his widow went to the Ministry of the Interior for the settlement of an indemnity claim. The lawyer who represented her in this claim was arrested by the Gestapo. Witness testified that he did not have anything to do with this matter, but he admitted that the arrest of this attorney was one of the terrible things which the Gestapo did.

II. Evidence of Voluntary or Compulsory Membership

When the Gestapo was first set up, administrative and executive officers were transferred to it. At first these were officers of the 1A Department of the Police President's Office. Later, officers from the criminal police were transferred to the Gestapo. None of these people was consulted with respect to his desire to be put into the Gestapo organization. Witness met a number of these people in camps after the capitulation and they blamed him for this transfer. He felt that he had to justify that these transfers were brought about by Diehls. However, he was made to admit by the Prosecution that not all of the officials of Department 1A were transferred to the Gestapo but that the anti-Party men were fired beforehand.

Summarized by: J.S. CONWAY

H1093 – 0072

SUMMARY OF EVIDENCE OF WERNER GROTHMANN

WITNESS FOR THE S.S. TAKEN BEFORE

A COMMISSION ON 25 JUNE 1946

TRANSCRIPT PAGES 1739 TO 1753

SUBJECT: 1. Separation and Secrecy of the Specialists' Spheres in the Adjutant's Office of the Reichsfuehrer SS.

2. Himmler's Influence on the Waffen-SS and Its Direction.

3. The Relation between the Waffen-SS and Regular SS.

The witness, a man 30 years of age, became Himmler's second adjutant on 15 August 1940. A year later he became first adjutant and in July 1944 was made Chief of the Adjutant's Office of the Reichsfuehrer SS. (p. 1739)

I. Activities Relating to Article 6 of the Charter

1. Functions of the various spheres in the Adjutant's Office of Himmler

Witness concerned himself with military questions which arose concerning the Waffen-SS. After July 1944 he also handled questions which concerned the Reserve Army. He arranged the daily program in these matters and planned the itinerary of the trips which Himmler took. Sometimes he accompanied Himmler and sometimes it was required that he take certain tours alone. (p. 1740)

Besides the witness, Himmler had a police adjutant who handled questions concerning the police and the RSHA and when the witness took over the command of Himmler's Adjutant's Office, the witness had two assistants: one for the Waffen-SS and one for the Reserve Army. No adjutant was needed for the general SS because there was not enough work to require an adjutant to handle the matters of the general SS, and such questions were managed by the Office of the Personnel Secretary. (p. 1740)

The police adjutant handled SD affairs. The police adjutant also reported to Himmler concerning concentration camp matters. These matters had nothing to do with the Waffen-SS. (pp. 1740, 1741)

Such matters as came up in connection with Himmler's capacity as Minister of the Interior were handled by the Minister's Office. (p. 1740)

The Personal Division of Himmler took care of all matters which were not within the jurisdiction of the police adjutant or the chief adjutant. (p. 1740)

2. Distinctive character and function of the Waffen-SS

All orders issued by Himmler passed through the hands of the witness as his adjutant. He testified that the use of Waffen-SS units was ordered by the higher military leadership staff, by the Commander-in-Chief of the Army, and by the Army Operational Staff. Orders concerning this went only through the hands of Army officers under whose command the various Waffen-SS units were. The witness testified that Himmler himself was not authorized to issue any orders to the Waffen-SS which violated the rules of peace, humanity or international law because the Waffen-SS, as part of the Army, was out of Himmler's jurisdiction, except with respect to personnel and legal matters (such as the care and welfare of the units). Himmler had a supervisionary authority over the training of the Waffen-SS

H1093 – 0073

at home. This was similar to the influence he exercised in the last year of the war. The Grenadier Division was a division of the Army, not of the Waffen-SS. (pp. 1741, 1742)

Prior to the war there was the so-called SS Reserve Troop and from this the Waffen-SS was composed after the end of the Polish Campaign. From that time on the Waffen-SS increased rapidly. It was Hitler's plan to bring the strength of the Waffen-SS to a size one-tenth that of the Army. Himmler desired to strengthen the Waffen-SS even if he had to disrupt the Selective Service regulations then in existence. (p. 1742)

There was no relationship between the Waffen-SS and the general SS. The general SS had practically become defunct after the beginning of the war. Waffen-SS men did not know the general SS and generally did not belong to it. It was true that during the last years of the war higher SS and police leaders became generals of the Waffen-SS. Tasks of these men, however, were purely police tasks and they did not have the authority to command unless an emergency arose (in which case permission had to be given by the Operational Staff Main Office) or the use of Waffen-SS troops was required for anti-partisan combat (for which permission had to be given by the higher command of the Army). (pp. 1742, 1743)

The witness did not believe that any relationship between the Waffen-SS and the general SS could be established from the fact that a great number of volunteers to the Waffen-SS came from the general SS. There were many Waffen-SS men who joined immediately after leaving school and these had been too young to ever have been members of the general SS. Membership in the Nazi Party was not required for either volunteering or being drafted into the Waffen-SS. The Waffen-SS represented merely a military elite and was not a group which was representative of Nazi ideology. Membership could be voluntary, there was strict adherence to discipline, and there was no special political training beyond that which was taught in other organizations. (p. 1744)

3. Attitude of Waffen-SS Men toward Himmler

Most members of the Waffen-SS did not know Himmler at all and had only seen him on his brief visits to the front. Many thought that Himmler did not understand the interests of his troops, his speeches were always criticized because of their rashness and the exaggerations in them. SS soldiers were also resentful of the fact that Himmler tried to implant police ideas in their minds and they did not think these ideas were proper for military men. His political beliefs, thus, had little influence in the formation of the opinions of Waffen-SS men. (p. 1744)

4. Waffen-SS distinguished from Partisan Combat Units

Special Staff Chief of the Partisan Combat Units was Obergruppenfuehrer von dem Bach. Von dem Bach was given this position in order that he might have an increased position in the eyes of the higher SS and police leaders. He was given the title of general of the Waffen-SS only in connection with his appointment as Chief of the Partisan Combat Units. There was no connection between him and the Waffen-SS. His staff was supposed to inform Himmler regarding the entire partisan position and to send regulations concerning partisan combat and reports of partisan combat experiences to the higher SS and police leaders. In places where an especially large anti-partisan action was undertaken, this staff was used to supervise such activities. (pp. 1744, 1745)

The witness testified that the fight against partisans was a fight against the official part of the Red Army for the purpose of safeguarding the rear lines of the German Army. He did not understand the statement of General von dem Vach-Zewelski that especially bad troops were used in these actions so as to destroy parts of the population. He thought, however, that maybe the term "bad troops" referred to parole units, such as the Group Dirlewanger, which was made up of former members of concentration camps and also men who

H1093 - 0074

had been court-martialed by the German Army. This group was neither a unit of the Waffen-SS nor a unit of the regular SS. (pp. 1745, 1746)

On cross examination the witness was asked whether the Waffen-SS was generally regarded as a particularly elite group within the Army. He answered in the affirmative. He was then questioned with regard to several speeches of Himmler to the SS. First of these was a speech at Posen in October 1933. With regard to this speech he stated that hardly any members of the Waffen-SS were present and that Himmler addressed himself principally to some of his higher SS leaders (Major Generals). A statement from this speech (P.S. 1919 U.S. 170), which mentioned with approval the kidnapping of foreign children and raising them with the Germans, the working of thousands of Russian women until they should fall from exhaustion, was read to the witness. The witness said that his duties prevented him from being present during this entire speech and reiterated that it was his best recollection that no Waffen-SS commanders were present. (pp. 1748, 1749)

The witness' attention was next called to a speech by Himmler at Kharkov in 1943. He said that he was there but did not hear the entire speech and that this speech was delivered to the Commanding Officers of three SS Divisions. In this regard, the Prosecuting Attorney referred to another part of P.S. 1919, U.S. 170, in which it was stated that people should be deported and used in general for labor and also that anti-semitism was not a matter of ideology but something more in the nature of cleanliness or a de-lousing process. The witness explained these remarks by saying that Himmler often talked to the troops about general conditions which had nothing to do with the work of the people to whom he addressed himself. In other words, his explanation was that Himmler said these things to the Commanding Officers of the three SS Divisions because they dealt with matters which did not pertain to these divisions. (pp. 1749, 1750)

The Prosecuting Attorney next questioned the witness on a speech made by Himmler to the officers of the SS Liebstandarte, at an occasion called the "Day of Metz". The witness said that this speech was delivered in 1941. An excerpt from this speech was read to him from Document P.S. 1918 U.S. 304 to the effect that Himmler realized the unpleasantness of the tasks of Waffen-SS cooperating with the Security Police in deporting and killing people but that it was the same type of thing that happened in Poland in weather 40 degrees below zero where hundreds of thousands were hauled away and thousands of leading Poles were shot to prevent them from taking revenge later. The witness was asked whether that did not indicate that the Waffen-SS, in particular the Liebstandarte of Adolf Hitler, was hauling away people and shooting people. The witness again explained that Himmler often gave troops information on matters with which they had nothing to do and that he was accustomed to exaggerate a great deal. His speeches were not considered to be 100 percent correct by the troops. The witness did admit that from the language of the speech it would appear that some units of the Liebstandarte aided the Security Policy but the only way in which he could imagine these troops were of aid would be as guards. He also attempted to explain the participation of the Liebstandarte in this type of work by saying that it was possible that they loaned their vehicles and equipment for the purpose. (pp. 1750, 1751)

The witness was also questioned with respect to a conversation between Goering and Mussolini in October 1942 as reported in Document D 729 G.B. 281. In these conversations Goering described Germany's method in fighting of partisans, which included threatening to shoot the whole male population of the village unless the women would indicate which of the men present did not actually come from the particular village. In this way spies and partisans were detected. Goering said that, generally speaking, soldiers were of no use in carrying out such methods but that the SS, the guard of the old fighters of the Party who had personal ties with the Fuehrer and formed a special elite, could be relied upon to do this rough work. The witness replied that this statement was purely a propaganda statement, which was proven by the fact that the divisions referred to were the first divisions which never were used for anti-partisan activities but which always worked along the front lines. The witness was asked whether that type of propaganda

H1093 - 0075

was good propaganda, of which he approved, and he answered that he didn't approve of any kind of propaganda. (p. 1752)

III. Knowledge of Criminal Activities

The witness did not know of an order according to which soldiers who had used unauthorized measures against civilians were not supposed to be disciplined. He did know that all instances of unauthorized activities against civilian populations on the part of members of the Waffen-SS were disciplined severely. (p. 1746)

Beyond knowing that the Einsatz Groups were formations of the Reichs Security Office in the East, he did not know of their activities and their duties. He had heard that, prior to his employment on the staff of Himmler, three companies of the SS had been transferred to the Einsatz Groups. These were supposed to protect the police commandos and headquarters and they were made a part of the Reichs Main Security Office. (p. 1746)

Himmler made a statement to his staff concerning the Jewish question t. the effect that Jews were supposed to be held during the war in ghettos and afterwards were to be settled in some undetermined place, such as Madagascar or Poland. (p. 1746)

The witness had inspected concentration camps in the company of Himmler. This was not part of his duty but Himmler was interested in all activities within the areas he visited. However, Himmler on such occasions conversed with the commander of the particular camp in private. (p. 1747)

Summarized by:

J. S. CONWAY

H1093 – 0076

SUMMARY OF EVIDENCE OF WILHELM GRUENWALD WITNESS

FOR THE GESTAPO ORGANIZATION TAKEN BEFORE

A COMMISSION ON 24 MAY 1946 AT 1430 HOURS

TRANSCRIPT PAGES 273-289

SUBJECT: Segregation of Russian Prisoners of War was for German intelligence work under Action Zeppelin and not for execution.

Witness entered the Criminal Police Section of the Police Wuppertal in 1935 and advanced through positions of training criminal investigator, candidate criminal investigator, criminal commissioner candidate to the Chief of SD Security Police of Amt I, until in September 1, 1943 he became personal representative to the Inspector of the Security Police and SD in Braunschweig. (pp 273-274)

I. Activities Relating to Article 6 of the Charter

1. Action Zeppelin - Selection of Russian Prisoners of War for German Intelligence Work

In August, September and October of 1942 witness was made assistant to one of the chiefs in a project called "Action Zeppelin". For this he was transferred from his main base in Amt I to the section of Amt VI named Zeppelin. Witness never saw or learned of any written orders for this project and it was only after he started working at Buchenwald that he learned that the purpose of Action Zeppelin was to get volunteer Russians to work as communications or information men behind Russian lines (p. 274). At Buchenwald they screened prisoners who had been sent in by teams working at the various camps. During the time he was at Buchenwald between 1500 and 2000 prisoners were tested for this work and witness believed that the project continued until the capitulation. (pp 276, 277)

Russians who volunteered for this work were treated as Germans (p. 277). They shared the food and sport facilities of the German soldiers (p. 277). Those who were selected for Group Zeppelin were trained at camps which were similar to German barracks (p. 278). Those rejected were released from prisoner of war status and used in the German war effort (p. 278). There was no intention to execute these men and, during witness' tenure, they were not executed. Secrecy was enjoined on the Russians and the prison camp personnel did not have detailed information of the project (p. 278). For this reason, witness believed that rumors that those declared suitable were executed could have gained credence (p. 278).

Mongolian and Asiatic types were preferred during Gruenwald's time and the group contained Russians from the rank of private to general. (p. 278)

The witness (pp 279-281) expressed the opinion that the Gestapo groups charged with selecting prisoners of war for execution, as stated in Kurt Lindow's statement, P.S. 2542, U.S.A. 482 (Paragraph 4), were, in reality, the field teams of Action Zeppelin. The latter were made up of SD members as well as Gestapomen but there was frequent popular confusion of these two groups. The Zeppelin men proceeded in much the same way as described by Lindow. Extended personal investigation by the witness among his comrades failed to disclose the fact that Russian prisoners of war of certain racial groups or higher intelligence were selected for execution (p. 281). He, therefore, concluded that rumors

H1093 - 0077

of such executions under the "Kugel Order" of 1944 were "parlor stories" (p. 281).

Gruenwald did not know whether the separation of Russian prisoners of war, mentioned in P.S. 3040, U.S.A. 207, was for the purpose carried out in Action Zeppelin (p. 282). He has never seen a written order concerning Action Zeppelin (p. 282). The only connection of the Gestapo (Amt IV of the Reich Security Office) had to do with Action Zeppelin was that some men of Amt IV Gestapo were transferred through Amt I and Amt VI (p. 284).

On cross examination the witness admitted the likelihood that Lindow's statement referred to P.S. 502 U.S. 486 rather than to commissions acting for the Zeppelin project (pp 284-287). This was based on the fact that Lindow's statement referred to an order emanating from Amt IV and Action Zeppelin received its authority from Amt VI.

The Transcript for this witness ends on a note of controversy between prosecuting and defense attorneys as to whether Lindow clearly referred to segregation of prisoners by Gestapo under Amt IV or was mistaking activities of Gestapomen working out of Amt VI in Action Zeppelin for segregation activity for purposes of execution. (pp 288-289)

Summarized by:

J. S. CONWAY

H1093 - 0078

SUMMARY OF EVIDENCE OF

THEO GRUSS

WITNESS FOR THE SA TAKEN BEFORE

A COMMISSION ON

1 AUGUST 1946

SUBJECT: 1. Coordination of the Stahlhelm and the SA.
2. Attitude of Stahlhelm Members to the Assimilation of the Stahlhelm into the SA.

Witness was a veteran of the First World War and was General Paymaster (Bundeskammerer) for the Stahlhelm from 1933 to 1935. After the absorption of this organization into the SA, the witness directed the liquidation of the Stahlhelm which was completed in 1939. Witness never became an SA man because he was over 45 at the time of assimilation, had been wounded in the First World War, and was a free mason.

I. Activities Relating to Article 6 of the Charter

1. Coordination of the Stahlhelm and the SA.

The action of Bundesfuehrer Seldte of the Stahlhelm in submitting his organization for merger into the SA was a highly unpopular move among Stahlhelm men. On cross-examination, the witness expressed the opinion that Seldte's action was an illegal one. In addition, members of the Stahlhelm were deceived into believing that, within the SA organization, they would be able to keep their own leaders, uniforms, units and banners. None of these promises were fulfilled.

On cross-examination, the witness testified that the order for the embodiment of the Stahlhelm into the SA was given either in June 1933 or January 1934. At this time the Stahlhelm members received circulars from the supreme command of the SA, announcing that their organization had been absorbed by the SA. The SA derived this right to issue orders to the Stahlhelm organization from the fact that Bundesfuehrer Seldte of the Stahlhelm had placed his organization under the command of Hitler who was supreme commander of the SA.

2. Attitude of Stahlhelm Members to the Assimilation of the Stahlhelm Into the SA.

Members of the Stahlhelm were reluctant to become SA members because the respective organizations had different objectives and activities. Stahlhelm men generally had nothing to do with politics and did not want to associate themselves with the Party. Stahlhelm men were brought together by a desire to continue the comradeship which they had built up during the First World War. The policy of the Stahlhelm was mutual helpfulness and its members had no desire to prepare for, or participate in, another war.

Even after Stahlhelm members were absorbed by the SA, a close feeling of comradeship survived among them. This spirit was fostered by the Stahlhelm liquidation agency, of which the witness was head even though such activity was strictly forbidden by the Gestapo. The spirit of antagonism against the SA survived among Stahlhelm men right up until the first days of the war.

H1093 - 0079

II. Evidence of Voluntary or Compulsory Membership

There were some Stahlhelm members who became SA men voluntarily. These were generally politically ambitious leaders and they constituted a very small minority of the Stahlhelm organization. A Stahlhelm man who had been taken into the SA was not free to drop out of the latter organization. If he tried to resign, he was threatened with certain disadvantages in his occupation and also told that he would be arrested.

Summarized by: J.S. CONWAY

H1093 - 0080

SUMMARY OF EVIDENCE OF FRIEDRICH HABENICHT WITNESS

FOR THE S.A. ORGANIZATION TAKEN BEFORE

A COMMISSION ON 26 JUNE 1946

TRANSCRIPT PAGES

SUBJECT: Attitude of SA with reference to Concentration Camp at Wuppertal.

Witness was appointed SA Brigade Leader in Wuppertal in December 1933 and President of Police in March 1934.

I. Activities Relating to Article 6 of the Charter

1. Attitude of SA with reference to Concentration Camp at Wuppertal (Kaema)

Witness testified that he was appointed SA Brigade Leader and President of Police in Wuppertal by SA Obergruppenfuehrer Lutze to replace Willi Veller who had been relieved of these duties by agreement of SA leadership and State authorities because of his failure to take punitive action relative to outrages committed in concentration camps as President of Police and because his general conduct had harmed the reputation of SA.

SA maintained independent court where it punished its leaders for violation of its regulations, regardless of any action taken in State courts. Veller and other SA leaders were punished or expelled from SA because of conditions in camp. To witness' knowledge camp was set up by Veller in his position as President of Police and not by SA; although camp had been dissolved at time of his appointment.

Witness also testified that SA men could be drafted by local or Kreis Police Administration on basis of old German Police Law of 1870.

Summarized by:

D. M. HUNT

H1093 – 0081

SUMMARY OF EVIDENCE OF FRANZ HALDER

WITNESS FOR THE O.K.W.

TAKEN BEFORE A COMMISSION ON 26 JULY 1946

TRANSCRIPT PAGES

SUBJECT: Witness was cross-examined regarding Affidavit #1, U.S.A. Exhibit 531; Affidavit #6, U.S.A. Exhibit 537.

Witness was Chief of General Staff in the Army, holding rank of Colonel General.

Witness stated that he was arrested on July 25, 1944 and confined in several concentration camps because of his opposition to Hitler.

He stated that the subject affidavits were composed by an American officer, Captain Rapp. There were two or three drafts, each draft correcting the previous draft. Witness said he was not told of the purpose of the affidavits and did not realize for what they would be used but he "thought they were to make clear the various facts." On re-examination by the prosecution he admitted that Affidavit #1 is correct insofar as it does not refer to the chart attached. In reference to the chart, he stated that it is "correct" but without "verbal explanations and corrections" he gave to Captain Rapp at that time, it leads to a misunderstanding.

The sketch attached to Affidavit #1 was referred to. Witness stated that he told the interrogator that the wrong conclusion could be drawn from the chart, especially in regard to the matter of subordination. However, he was told that there was no misunderstanding since the matter of subordination was known and the matter of drawing the sketch was the usual one used in the American Army. Specifically, the lines between Hitler and Keitel; lines between Keitel, Raeder, Goering and Brauchitsch; lines between Brauchitsch and witness; and again lines between witness and various commanders-in-chief of the Army groups -- the lines are the same but the subordination is always different. For example, Brauchitsch, Raeder and Goering were never under Keitel just as all commanders-in-chief of Army groups were never under the witness but were under the Commander-in-Chief of the Army Brauchitsch. In other words, the relationships varied, although they are shown by similar lines. However, the witness admitted signing the chart.

On left side of the sketch it is not correct that orders went from Commanding General of the Army to the Chief of General Staff. The Commander-in-Chief of the Army and his staff (O.K.H.) used the offices of the General Staff to issue orders and the orders then went to the field armies. Therefore, the office of General Staff which only passed on the information should not be shown as an independent office like the office of Commander-in-Chief of the Army. However, inasmuch as O.K.H. informed the Chief of General Staff of their decisions, who merely worked them out, there was actually a channel as is designated on the chart. (The witness stated that the Chief of General Staff of the Army was only one person and he, with commanders-in-chief of the Army, formed O.K.H. -- the High Command of the Army.) Without these verbal explanations the chart does not give a clear picture of the actual setup.

In Affidavit #1 "group" was used four times. Witness testified the word was not his and he did not consider it to mean a military entity but only as a number not used in the organizational sense.

In the last paragraph of Affidavit #1 the first sentence is

H1093 – 0082

as follows: "The composition of this group in the relationship of its members to each other is as shown on the attached chart." By "in relationship to each other", witness [illegible] to show whether the officers had equal authority or were under the authority of other officers.

In the last paragraph of Affidavit #1 the witness states: "This was in effect the general staff, and high command of the German Army forces." The expression, "in effect the General Staff", was Captain Rapp's. Witness left it in, explaining that in the German Army the General Staff is a group of aides who work especially as an operational and organizational staff and not as in the American Army where the Commander-in-Chief is also the Chief of Staff and the General Staff is considered as a group of leading Commanding Generals. Witness used the term in the American sense of terminology and did not mean it in the sense of the German use of the expression. Attention was called to the fact that one of the affidavits is identical with an affidavit made by Field Marshal Brauchitsch, with the exception of the last paragraph. Brauchitsch had the term "General Staff" changed but witness didn't for the above reason.

An excerpt from Affidavit #1 reads: "Specialized military matters of responsibility of three branches of the armed forces subordinate the commander-in-chief of armed forces, that is to say, the Army, Navy and Air Forces." Witness testified that the Einsatz Group and Einsatz Command, the SIPO and the SD were not also under the military commanders.

Affidavit #1 speaks of "plans for military operations, etc." Witness testified that the plan of 5 November 1937 was not one of the plans he referred to. Witness stated that he did not know of any plans for the occupation of Austria but only for a plan to guard the German border towards Austria. After the Sudeten question had been settled there were no plans. In December 1938 O.K.W. issued an order directing that all military planning was to cease and that the Army would only concern itself with troop training thereafter.

Regarding third paragraph of Affidavit #1, page 1, which reads, "which were to be undertaken by troops," witness warned his commander-in-chief of the possibility of war, who in turn brought the fact to the attention of Hitler. Regarding the war with Russia, he first heard of the possibility in August of 1940 and later in the form of verbal decrees and orders received in September. On the 3rd or 4th of February 1941 military counter objections were submitted to Hitler.

Affidavit #6 states that the Deputy Chief of the Leadership Corps in the Armed Forces was competent for the draft of strategic plans. Witness stated that this Deputy Chief was of much less importance than the other services mentioned in his statement. As far as he could remember, the drafts were usually made out by Jodl.

Summarized by:

D. M. HUNT

H1093 – 0083

SUMMARY OF EVIDENCE OF MARTIN HAUFFE WITNESS

FOR THE STEEL HELMET SA TAKEN

BEFORE A COMMISSION ON

16 JULY 1946 TRANSCRIPT PAGES
17 JULY 1946 TRANSCRIPT PAGES

SUBJECT: Steel Helmet SA--Organization of Steel Helmet and Its Absorption into SA

Witness was Chief of Cabinet and Administration at the Sigmaringen Hohenzollern, and he also acted as Kreisfuehrer, Gaufuehrer, Second Landesfuehrer and First Landesfuehrer in Steel Helmet.

I. Evidence of Voluntary or Compulsory Membership in SA

1. Organization of Stahlhelm (Steel Helmet)

Witness acted as Kreisfuehrer, Gaufuehrer, Second Landesfuehrer and First Landesfuehrer of Steel Helmet in Saxony. He testified that he was imprisoned three times because he instigated opposition in Steel Helmet against NSDAP. He was not a member of NSDAP. The Steel Helmet had over one and one-half million members in Germany at time of seizure of power. In witness' Landes Association there were 80,000.

Before transfer to SA, the Steel Helmet consisted of (1) Scharnhort, which included boys up to 14, (2) the Young Steel Helmet, which included men up to 24, and (3) the Kern Steel Helmet, the old front soldiers. In addition, it included a group called the Wehrstahlhelm, which included the Stahlhelm Youth and all Stahlhelm members up to 35.

2. Absorption of Steel Helmet into SA

On 27 April, by a radio speech, Seldte subordinated the Steel Helmet to Supreme Command of the SA. He also declared that he had joined the NSDAP. The Supreme Commander of the SA at that time was Hitler and his Deputy Commander of Chief of Staff was Roehm. The Steel Helmet protested this action because it constituted a breach of the Bundes Charter. In particular a Bundes Leader, Walborn, protested by means of a circular letter known to all Landesfuehrers. At the end of April, Seldte discharged s[illegible]ief of the Steel Helmet, Duesterburg, because he considered him to be the center of the opposition within the Steel Helmet against the NSDAP. The fact that Duesterburg was either one quarter or one half Jewish was immaterial as the organization did not sponsor racial theories.

The Scharnhort Organization was transferred into Hitler Youth on June 21st, and on July 4th, by Hitler's orders, the Wehrstahlhelm was transferred into the ranks of the SA. However, the order provided that the Wehrstahlhelm was to keep up a certain autonomy and keep liaison to Bundes by remaining members of organization until actual transfer had been completed by November 1933. By that time, all transfers had taken place. Members of Wehrstahlhelm were not asked regarding transfer; it was done by an order signed "OSAF".

In witness' Landesvergand Sachsen, Wehrstahlhelm was taken over by Gruppenfuehrer of SA merely by an order. Members were not consulted.

The Kernstahlhelm, which was composed of men from 35-45, was transferred into SA in the category of SA Reserve #I in November. By January 25, 1934, SA Reserve #I (composed of members of the Kernstahlhelm) was subordinated to SA Gruppenfuehrers. This took place after a meeting of Landesfuehrers in Friedrichsroda; on next day in the Kaisenhof in

H1093 – 0084

Berlin, Hitler notified the Landesfuehrers of the Steel Helmet and the Gruppenfuehrers of SA of this action. Order was actually issued by OSAF but they were notified by Roehm, in Friedrichsroda. From that time on, the Stahlhelm members had to wear uniform of SA but were allowed to remain members of old organization. They were to remain a compact unit but these assurances regarding the maintenance of a compact autonomy not kept and later on even membership in old Bundes was prohibited.

Old Stahlhelm Organization continued to exist until summer of 1935 when it was dissolved by decree of Hitler. It consisted of men over 45 and those who could not enter SA Reserve #I because of illness, etc. They were never transferred to SA.

Both Wehrstahlhelm and Kernstahlhelm were promised that once they entered SA, the NSDAP, SA and SS would not interfere with their Bund but this was not respected.

The existence of SA Reserve #I as a compact unit in each district depended upon how many members of former Kernstahlhelm were transferred, if number small unit ceased to exist and members transferred into active SA.

When transfer effectuated members did not keep rank but received a commission one or two degrees [illegible]r except in instances where men accepted ideology of Party. Witness knew of no instance where any members were promoted any higher than Brigade Fuehrer except in case of Obergruppenfuehrer Juettner, Chief of Supreme Command of SA.

3. Attitude of Steel Helmet Towards SA

In witness' Landesverband Sachsen transfer of SA Reserve #I into SA took place in accord with orders--individuals were not asked. It would have been dangerous to oppose it. However, they imagined it would remain a compact unit under old leaders and they could maintain their ideology and finally that perhaps one day they would be able to overthrow the regime. By disapproving of regime witness meant totalitarian claims of Party; taking away rights of citizens and forcing people into obedience; policy against Jews, Gestapo and concentration camps. Members of both Wehrstahlhelm and Kernstahlhelm remained in opposition to NSDAP.

Stahlhelm had a negative position as far as Party system was concerned. After 1933 many new members joined. Up to end, they always considered themselves as members of the opposition and were not trusted by SA and the Party. In Nazi Press the point was often stressed that these transferred members were to be considered as a secret opposition. As early as 1933 many were arrested on grounds of Anti-National Socialistic convictions. In Landesverband of Sachsen in 1933 whole staff was arrested; in Braunsdeweig all directors and many members arrested. Witness escaped arrest because he was in Berlin.

In Sachsen arrests were actually made by SA men who acted on orders issued by Supreme Co[illegible] of SA in Sachsen or else by Gestapo—generally, however, Gestapo gave the orders.

Witness never went over to SA because he was over 45 (age limit for transfer) and was, therefore, free in his decision. He never approved of aims of Party. In 1935 a second wave of arrests covered whole Reich.

4. Resignation from SA

It was practically impossible to get out of SA or SA Reserve #I by means of applying for a discharge as it would be considered an act of sabotage and the offender an enemy of the State. Members who left were continually watched.

H1093 -0085

II. Knowledge of Criminal Activities

Witness testified that no members of Steel Helmet took part or approved of crimes. Their slogan was "We know war and that is why we hate it." Re Versailles Treaty, they attempted to effectuate a revision of it by contacts with ex-servicemen of all nations—so that understanding could be established and heavy burden of Treaty removed. Witness discussed exchange of ideas in 1934 with President of American Legion; also with other countries.

The Steel Helmet rejected Militarism and its Supreme Command expressly forbade exercises of a merely military character.

Summarized by:

D. N. HUNT

Mrs B

H1093-0086

SUMMARY OF EVIDENCE OF GENERAL OBERST PAUL HAUSSER

WITNESS FOR THE SS ORGANIZATION TAKEN BEFORE A

COMMISSION ON THE 19tTH OF JULY 1946

SUBJECT: Organization, Training, Membership and Command of the WAFFEN-SS.

Witness was commander in chief of Army Group G in the Southern part of the Western front at the end of the war. He was with the regular German Army until the 1st of February 1942 and in 1934 joined the SS Verfuegestruppe. He was Inspector of that organization from 1936. From 1940 onwards he was in the field serving with the Das Reich Division on the Western Front. In 1942 he commanded the 2nd SS Armored Corps in Northern Italy and later in Northern France commanded a corps consisting of the 9th and 10th SS Divisions. On the 28th of June, 1944 he ceased to be corps commander and became Supreme Commander of the 7th Army in Normandy, becoming commander of Army Group G in January, 1945. During the war witness was twice wounded.

I. Activities Relating to Article 6 of the Charter.

1. Organization and Training of the SS Verfuegstruppe.

Witness joined the SS Verfuegstruppe in 1934 and in 1936 as Inspector of that organization was responsible for their training. Originally the SS Verfuegstruppe were a body guard similar to the Leibstandarte Adolf Hitler. The order of the 17th of August, 1938, Document 647 PS, USA exhibit 443, had the intention of clarifying the uncertain position of the existing SS troops. This order provided that the Allgemeine SS, the Totenkopfverbaende and the Verfuegstruppe had clearly distinct tasks and there was no direct connection between them. Witness stated that the Totenkopfverbaende and the Verfuegstruppe were in effect state units, whereas the Allgemeine SS had more of a party character.

The SS Verfuegstruppe were not meant to be a political unit. The training of the officers and enlisted men ofthe Verfuegstruppe was never in any sense designed to promote an aggressive war. There were no preparations before the war and the unit itself was not prepared. It had no weapons, reserve officers or general staff. It was subject to the General Staff of the Wehrmacht only on questions of organization and training.

The only thing that the Verfuegstruppe had in common with other organizations was that it was under the command of Himmler. Relations with the Allgemeine SS were only in the nature of "comradeship". In 1937 when the Verfuegstruppe were set up, a part of it was recruited from the Allgemeine SS. The rest were recruited from young men who were due for military service. The Verfuegstruppe were, of course, the forerunners of the WAFFEN-SS which was founded in 1940.

In cross-examination witness stated that he joined the SS on the 1st of November, 1934. Asked whether he knew at that date that the SS had already "a lot of blood on its hands", he stated that blood was shed legally by order of Hitler on the 13th of June 1934 during the Roehm Putsch.

He denied that he trained the Verfuegstruppe to become killers. He trained them to be soldiers and not murderers. He denied that the training of the recruits included the destructions of the so-called "sub-humans" and that Hitler talked "tremendous nonsense" on the subject of inferior races. The killing of six million Jews and millions of Poles and other nationals was not done by the WAFFEN-SS but by Himmler and a small circle of his men. Such things as these were not part of the program of the Verfuegstruppe.

H1093-0087

2. Command of the WAFFEN-SS. Influence of Himmler.

The WAFFEN-SS had no supreme command of its own. The so-called Fuehrungshauptamt was an administrative office and to all intents and purposes the members of the WAFFEN-SS became, when the war started, members of the Army. Witness stated that during the five and a half years he was at the front, he received his orders only from the supreme commander of the Army. The WAFFEN-SS was subordinate to Himmler only in questions of personnel.

Asked whom he considered his direct commander, Himmler or Hitler, witness answered that the Supreme Commander was Hitler and that there was always a certain criticism of Himmler. Witness was asked by his Counsel concerning the influence of Himmler on the WAFFEN-SS. He said that Himmler wanted to instil into the WAFFEN-SS his own ideologies and opinions.

Naturally a unit which is at the front is critical as regards the expressions of opinion made at home and as a result the utterances of Himmler had no great influence on the troops. This he said was because Himmler's statements were passed on to the troops through the medium of thier commanders and these commanders "knew what to tell their soldiers".

Himmler himself had no idea of military matters and this was known to the troops. The real WAFFEN-SS knew nothing about concentration camps and it was an intentional "deceit"on the part of Himmler that these guards were called WAFFEN-SS. In reality they were people who had been relieved from duties in the Wehrmacht for one reason or another.

3. Methods of Training and Observance of the Laws of War. The WAFFEN-SS did not commit war crimes.

The witness stated that the WAFFEN-SS was not educated with a view to specially cruel "methods of fighting". The training of the WAFFEN-SS was supervised by the Army. Heinrich Himmler said "I request decency in life and in fighting". Witness considered that the commanders at least carried out this precept.

Asked by Counsel whether it was correct to say that after the years 1933-1934 the methods of fighting according to these principles had changed, witness stated that if this were so it was due to the immense growth of the WAFFEN-SS. In the year 1940 it had only three divisions, whereas at the end of the war there were 30. In addition to that,large numbers of racial Germans and volunteers who did not know the German language made things difficult. As a result, the divisions at the end of the war could not be compared with the original troops.

Witness stated that the WAFFEN-SS fought according to the principles of the Geneva and Hague Conventions. He said that he remembersa speech by Himmler in 1943 in which the word "terror" was mentioned. Himmler had meant by this the terror which should precede the troops. Witness remonstrated with Himmler and told him that success in war did not depend on terror.

The Commissar Order was only passed at first to higher commands and in 1941 the WAFFEN-SS had no high command of its own. Witness did not receive this order from the high command of the Army but only an order much later which referred to the separation of commissars from other prisoners.

Questioned further concerning excesses committed by the WAFFEN-SS, witness said that in a long war such things always happen. The persons who committed such crimes were punished according to the laws of the Army.

In cross examination witness denied that he had heard of the bad reputation of the SS Panzer Division Hitler Jugend in July, 1944, but said he had only heard of this in his captivity. Even though this division had been with his corps at the time, this was not the sort of thing which one would hear about when a battle is on.

H1093 - 0088

Questioned concerning his statement that the WAFFEN-SS did not carry out police tasks, cross examining counsel asked him about shootings and hangings in the Protectorate of Bohemia and Moravia alleged to have been carried out by the WAFFEN-SS. The document referred to is 1972 PS, US 41, which gives a list of shootings and hangings in Prague. Witness said he had no knowledge of these events. He denied emphatically that whenever executions were needed, the men of the WAFFEN-SS were used. He claimed that the units which were used as executioners were police units and reservists.

He said he did not know that the members of the SD and the GESTAPO and other instruments of terror were drawn from the WAFFEN-SS. It may have been true that such people had the same uniform but in fact the SS only meant Himmler and a small cliche of criminals around him.

He agreed that the WAFFEN-SS could be assigned such tasks as the fighting of partisans but they were never used as executioners. The fighting of partisans was not a typical task of the WAFFEN-SS, however, and this was the sort of task which might be given to any unit of the regular Army.

With regard to the charge that the WAFFEN-SS were active in France against resistance movements, witness stated that he only knew of the isolated case of Orodour and that he had not heard about this until afterwards. There were no general instructions, stated the witness in answer to the French Prosecution, for measures against the resistance movement in France but it was possible that local commanders gave such orders.

4. Duties of the WAFFEN-SS. Concentration Camp Guards. Police, Einsatzgruppen and Anti-partisan Troops.

Witness asserted that the WAFFEN-SS had no direct relationship to the police activities of Himmler, especially the GESTAPO and concentration camps. As stated above Himmler deliberately deceived the public by calling the concentration camp guards members of the WAFFEN-SS and they were really ordinary troops who were under SS administration.

There was no exchange of personnel between the WAFFEN-SS and the GESTAPO, Security Police or SD. Apparently the use of the term WAFFEN-SS to describe guard units in concentration camps was used by central offices in Berlin and during the war witness did not know that these guards were calling themselves WAFFEN-SS.

At no time did the SD or WAFFEN-SS perform police tasks. These were carried out by the Totenkopfverbaende. Questioned concerning his knowledge of Einsatzgruppen, witness stated that he knew, like probably generals in the regular Army knew, that Himmler put members of the SD into the ranks of the regular Army in order to supervise the civilian population. It was not until after he was imprisoned that he learned that the Einsatzgruppen were also included in the WAFFEN-SS to the extent of perhaps three or four companies, i.e., about 600 men, for "protective tasks".

Fighting against partisans was not a special task of the WAFFEN-SS. This was mainly a matter for the military police who belonged to the Army.

II. Evidence of Voluntary or Compulsory Membership.

Witness stated that in peace time the greater part of the WAFFEN-SS were volunteers. In war time part of the WAFFEN-SS was recruited through a so-called emergency law. The rest of them were volunteers with the following exceptions. In the year 1941 one division received 800 reservists from the Army. In the year 1942 in the divisions which were under witness's command, there was perhaps one-third conscripted men. The number of conscripted men increased in the year 1943 to almost one-half and in the year 1944 it probably exceeded one-half. (See evidence of the witnesses Brill and Blume for full details of the recruiting statistics of the WAFFEN-SS).

H1093 - 0089

Witness stated in his opinion volunteers did not join on so-called ideological grounds but mainly wanted to serve in a good unit. Most of the young men were people who weredue for military service and were members of the Hitler Youth.

The procedure of recruting and the assignment of volunteers to different arms and serviceswas precisely the same as in the Army.

III. Knowledge of Criminal Activities.

1. Himmler deliberately kept concentration camp matters secret.

Witness stated that the WAFFEN-SS were entirely ignorant of atrocities in concentration camps, particularly the experiments of Dr. Rascher. The same ignorance prevailed among the WAFFEN-SS as did generally among the German people. Himmler always kept things secret. Witness somewhat contradicted himself in his reference to having heard rumors of murders. He stated he was too busy fighting to follow these rumors up but when pressed stated that he did not hear the rumors until he was a prisoner. He explained that the rumors referred only to measures being taken at home and not at the front.

2. Himmler's Speech at Kahrov in April, 1943.

In cross examination witness said that this speech was made to some of the commanders of the troops located around Kahrov. There were perhaps 50 commanders present and included all commanders of regiments or divisions. Witness denied that Himmler's words were passed on to the troops by these commanders.

Asked whether it was not perfectly clear when he heard the lecture by Himmler that he was a mass murderer, witness replied that Himmler was not so stupid as to give that impression as that would have created opposition.

Extracts were then read from 1919 PS, US exhibit 170. In this part of his speech Himmler states that Russians should be taken dead or alive and either killed or made prisoners and put to work. All territory captured must be emptied of the civilian population who should be transported and used as labor in Germany.

Witness stated that for the WAFFEN-SS it was only correct for them to kill and capture men in actual combat and this was a natural law of war. He denied that the WAFFEN-SS ever took part in the deportation of population.

A further statement of Himmler was read. "Anti-semitism is exactly the same as delousing. Getting rid of lice is not a question of ideology. It is a matter of cleanliness." Witness stated that this remark of Himmler's was in bad taste and that the WAFFEN-SS had other tasks to perform than to worry about expressions like this.

Counsel then read from the last paragraph of 1919 PS as follows: "We will never let that excellent conception, the dread and terrible reputa- which preceded us in the battle for Kahrov die, but will constantly add new meaning to it". Witness said that the word "terror" had been the subject of a reproach made to Himmler as he had already stated. He did not get up at the meeting and attack Himmler because "soldiers do not do such things." He made this statement as man to man and said that efficiency can not be derived from terror but only from each men doing his best. He denied that the word "murder" was ever used in this speech.

H1093-0090

Questioned as to whether Himmler had addressed troops elsewhere at the front, witness said that this could only have been a small number. He believed that he addressed three divisions, viz, the 1st, 2nd and 3rd SS Armored Divisions. He could only have addressed part of them which were located near Kahrov. Witness was not present at the meeting.

SUMMARIZED BY: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1093 - 0091

SUMMARY OF EVIDENCE OF JOHANN HEDEL WITNESS FOR THE GESTAPO ORGANIZATION TAKEN BEFORE A COMMISSION ON 4 JUNE 1946 AT 1000 HOURS

TRANSCRIPT PAGES 436 TO 445

SUBJECT: Non-executive nature of the duties of members of the Technical Information Bureau of the Gestapo.

Witness entered Bavarian State Police in 1926, and the Information Intelligence Branch of the police in 1928. He did technical information duties at the Police Headquarters in Munich until 1 April 1935, was a member of the Bavarian Police until 1 August 1942, at which time he was transferred to the Technical Information Bureau of the Gestapo in Munich. His application to enter the Party in 1942 had been rejected and he was never in the SS or the SA. (pp 436-437)

I. Activities relating to Article 6 of the Charter.

1. Structure and Independent Character of Technical Information Bureau of Gestapo

For Intelligence Communications, the Chief of the Communications System of the Ministry of the Interior was witness' superior. So in respect to technical matters (communications equipment, etc.), witness was under Amt N of the Gestapo. As Technical Secretary of the State Police he was under the Chief Administration Officer for pay and discipline. (pp 437-438)

Neither Administrative Officer nor Gestapo Chief could give witness orders concerning his work (p. 438). Employees of the Technical Communications Group were either technicians who needed to know communications rules and to have technical knowledge or teletype men, etc., who needed only to know operation (p. 438). There were in Germany 25 technicians of this sort and 15 who were preparing for this work; before the war there were about 20 mechanics, 400 teletype operators and 200 to 250 telephone operators.

Part of the installations were operated by the Order Police, part by the Reichspost, and part by private companies (p. 440). Technical personnel had no concern with police matters but handled communications merely (p. 441). They had no opportunity to listen in or to tap wires since the Gestapo did not handle wireless and there was a device to prevent tapping of phones (p. 441). Teletype operators handled too much traffic and worked each too small a part of the day to understand the content of the messages (p. 441). The SD and other formations of the Party had their own communications system and the public communications network was not available to them (p. 442).

On cross examination it was learned that the Gestapo used the wireless system of the Order Police until 1933 but from that time until 1937 or 1938 a switch was affected to teletype which is more secure (p. 442). Only secret state matters were classified (p. 442). Secret messages were cryptic and could not be understood unless the whole picture were gained from the whole chain of messages (p. 443). As supervisor, the witness was mainly concerned with operation of equipment, not with content of messages (p. 443). Breaches of security were forbidden by law but witness had no special orders regarding security from the Chief of Gestapo in Munich (p. 443). Same security rules applied to Order Police as to Gestapo but witness believed breach would have led to trial and sentence by the Gestapo (p. 444). The network frequently transmitted

orders for protective custody to the Gestapo which sent people to concentration camps. (p. 442)

On redirect examination, communications duties of Gestapo were frequently performed by others than members of Gestapo, for example, at Nurnberg where the teletype system used by the Gestapo was supervised by the Reichspost. (p. 444)

Summarized by:

J. S. CONWAY

H1093 - 0092

H1093 – 0093

SUMMARY OF EVIDENCE OF

A D O L F H E U S I N G E R

WITNESS FOR THE HIGH COMMAND TAKEN BEFORE

A COMMISSION ON

26 JULY 1946

SUBJECT: Witness was called before the Commission for the purpose of examination concerning the subject matter set forth in his Affidavit # 20 (USA 564).

Witness was chief of the operations section of the OKH from 1940 to 20 July 1944.

Witness testified, with regard to a statement in paragraph 3 of his affidavit - "Therefore in all questions in the operations section in the east, the chief of the General Staff was responsible and for all questions outside of the operations area, the OKW - the High Command of the armed forces, for instance, for all troops which were in the Reich Commissar area" - that he intended to show by it where the border line of authority between the OKW and the OKH lay in the East. The words "for all questions" in this paragraph meant "for all military questions".

The witness also explained that, since the chief of the General Staff had no authority to give orders, but was actually the first adviser to the commander-in-chief of the army (who was Adolf Hitler when Brauchitsch left), he meant that the commander-in-chief of the General Staff was responsible for the working out of plans not for giving orders. Only the commander-in-chief of the army (Brauchitsch and later Hitler) could give the orders.

The witness was next questioned on the meaning of the following statement in the fourth paragraph of his affidavit: "All police and SS units in the Reich Commissar were also subordinate to the Reich Fuehrer SS". To the best of the witness' recollection, the higher SS and police leaders were partly subordinate in territorial questions, such as lodging, to the OKW, and partly subordinate to the Reich Commissar.

After the Office of Anti-Partisan Warfare had been created, the technical direction staff units were placed under the chief of anti-partisan warfare.

General von dem Bach Zelewsky, as chief of anti-partisan warfare, was more than an information center point. During large-scale anti-partisan operations he took personal charge.

The witness knew of no orders given by the OKH for the extermination of Jews. He did not participate in any anti-partisan discussions in which any plan with respect to Jews was mentioned. He knew of no orders in which it was forbidden to take prisoners. Finally, he did not believe that the Quartermaster General, in carrying out his responsibilities with respect to matters pertaining to the fighting of partisans, gave any orders which were against international law.

The witness was questioned with respect to the following statement from paragraph 4 of his affidavit: "It has always been my personal opinion that the treatment of the civilian population and the methods used in anti-partisan warfare in the operational areas, presented the highest military and political leaders with a welcome opportunity for accomplishing their aim of systematically reducing Slavs and Jews". He stated that by the words "highest military and political leaders" he meant Hitler himself. He did not mean to imply

H1093 - 0094

that the commander-in-chief of the army or the commanders of army groups welcomed anti-partisan warfare as an opportunity to carry out the systematic reduction of the Slavs and Jews. He did believe, however, that the chief of the General Staff was acquainted with the impressions or ideas of Hitler.

The witness was asked by the prosecuting attorney whether he was willing to include Hitler's military advisers within the phrase "highest political and military leadership" in his affidavit. He replied that he only meant Hitler because he only heard certain statements from Hitler.

The witness testified that he drew the conclusion, which he stated in his affidavit with respect to Adolf Hitler's attitude toward anti-partisan warfare in the East, as a result of observing Hitler during daily situation conferences. On about five occasions during the period from the end of December 1941 to 20 July 1944, Hitler passed remarks concerning what he called "the people's fight". It was on the basis of these remarks that the witness concluded that Hitler actually welcomed anti-partisan operations as a means of systematically reducing Slavs and Jews in the East.

The witness was questioned as to just when he formed this opinion. This question was directed at him because he had used the expression that it had "always been my personal opinion". He answered that he had arrived at this opinion in about the spring of 1944, but that the conviction had been growing upon him for some time. He was not sure as to whether he had discussed his opinion with other military men.

The daily situation conferences with Hitler were attended by Keitel, Jodl, sometimes Warlimont and a number of younger officers and adjutants from the OKW, and by the witness himself and the Quartermaster General of the army (only during 1941) and other officers as needed from the OKH.

Hitler told them that the battle for the East was a battle between races which had to result in complete victory for one side or the other. The witness believed that within the term "races" Hitler included anyone who resisted subordination under Germany.

Summarized by: J.S. CONWAY

H1093 – 0095

SUMMARY OF EVIDENCE OF EBERHARD HINDERFELD

WITNESS FOR THE SS TAKEN BEFORE A COMMISSION

TUESDAY, THE 21 OF MAY 1946

TRANSCRIPT PAGES 64 TO 93

SUBJECT: Discipline and Training of the ALLGEMEINE SS.

Witness was a member of the ALLGEMEINE SS since the end of 1931 (Page 64). After the war began he became a legal advisor to the WAFFEN-SS on disciplinary matters.

I. Activities relating to Article 6 of the Charter.

1. Early History of the ALLGEMEINE SS.

The ALLGEMEINE SS was originally engaged in protecting speakers at public meetingssince there was much political strife before 1933 (Page 65). Reference was also made to similar organizations belonging to other parties. The Reichs Banner and the Reichs Volk which belonged to the Social Democrats and the Centrum party respectively. Further discussion on this subject was declared irrelevant by the Commissioner.

There were 50,000 SS on the 30th of January 1933.

2. Discipline and Recruiting of the ALLGEMEINE SS.

Before joining the ALLGEMEINE SS members had to have two character references and a certificate from the police (Page 67). The main motive for joining was the prevelance of unemployment in the early days and the "comradeship" entailed. The witness stated that moreover "the defensive character of the SS seemed to insure at the time that it would always be on the side of righteousness".

The discipline was excellent; no weapons were carried at large metingsand orders were given that fighting should only take place in self defense.

The title ALLGEMEINE SS was not used until 1937. Previously there had been a distinction drawn between the regular SCHUTZSTAFFEL and the "attack units", known as the Death Head units (Page 68).

Height, physical condition and a good social reputation were important for acceptance. Persons found to be convicted of crimes prior to their entry into the organization were dismissed. There was a six months to two year probation. After 1933 the subordinate ranks in the ALLGEMEINE SS were recruited on a local basis (Page 62).

In cross examination the witness stated that it was not completely true to say that the SS were the elite of German manhood although other people thought so. This ideal was attempted but was never completely realized. The members, however, regarded their organization as the best but this was quite natural (Page 81).

Witness said that it was difficult to specify why so many persons joined the SS in 1933. No special advantages were gained by the members but the reason may have been due to such inference as the popularity of a local leader.

H1093-0096

In re-examination the witness said that most people had joined the SS for "idealistic" reasons, e.g. because they gave up something financially and had to buy their own uniforms. There were quite a number of instances also in which civil service employees or people trying to get jobs in the civil service went into the SA or the SS. There was no deeper reason and in some cases it was merely the attraction of the uniform (Page 89).

3. Training and Social Activities.

Witness claimed that the large mass of the SS did not consider that military matters were the main basis for their training or for the building up of their organization (Page 69). After 1933 the ALLGEMEINE SS were no longer required to protect speakers at meetings but rather to preserve order at mass meetings. For this reason they were taught marching and drilling. Firing of small bore weapons was taught and athletic training in competition for SS or SA sports medals.

Witness further stated that the duties of the ALLGEMEINE SS with the exception of certain people in the central office were honorary, i.e., the members did their work in their own time and in addition to their ordinary professions. The "keeping of order" at meetings was necessary to regulate the movements of large masses of people. The comradeship engendered by this organization was valuable because it broke down social and business distinctions (Page 71).

(The Prosecution intervened to ask how this was relevant and the Defense claimed that it was necessary to prove what the "goals and aims" of the organization were and that the members had no criminal ideas when they joined (Page 71).)

The racial teaching of the ALLEGEMEINE SS amounted to the ideal of bettering the German race. The destruction of other races was not taught. (Page 72).

The ALLGEMEINE SS carried no weapons and they were not considered a military organization by the Army. There were special motorcycle and riding units and sports meetings to encourage international relations (Page 73). There was never any mention or preparation for an aggressive war and witness had never heard any discussion on this subject. It was, however, considered that the Versailles Treaty should be revised. The general attitude of the SS towards the Jewish question was that the best answer would be a peaceful emigration of the Jews.

In cross examination witness was asked whether the sport and social activities of the SS provided any particular advantage for the members. He denied that this was so. He agreed that the SS arranged certain not very well regulated welfare and social facilities for the families of its members. There was no specific organization (Page 81).

Witness denied that he had ever heard that the speech made by Himmler that murder could be justified formed part of the teaching in SS schools. Prosecution referred to PS 199 - US 170 and quoted Page 4 of the English translation wherein Himmler states that the SS did not hesitate to do their duty on the 30th of June 1934 but would never discuss the matter in public. If as the witness had previously claimed the victims of the Roehm Putsch had been executed under martial law, why should the SS be directed to speak about it only among themselves. Witness explained that the fact that the men were shot under martial law had been made public and he, therefore, saw no connection with the passage quoted by the Prosecution (Page 83). In fact the shootings of the 30th of June were discussed quite freely by the whole German people and witness said that he discussed them with the brother-in-law of Colonel Lindbergh, Mr. Dwight Morrow.

The Prosecution read further to the effect that according to Himmler the shootings appalled everyone but that everyone was certain that "he would do it the next time if such orders were issued". Asked whether

H1093-0097

the shootings appalled him, witness stated that it was a matter of high treason and people who committed high treason might expect to be shot.

Reference was also made to PS 1851 - US 440, a pamphlet published by Himmler in 1936 in which Himmler said he knew some people in Germany felt sick when they saw the black coats of the SS (Page 84). Witness replied to this that if there were people who felt like this they must have been opponents of the SS.

The events of November 9 1938 were condemened by the large majority of the SS although Himmler and Hitler commended them in special orders for participation in those demonstrations.

The Prosectuion then quoted from PS 3051 - US 240 and from the copy of the Organization Book of 1943, PS 2640 - US 323, which is entitled "The SCHUTZSTAFFEL, NSDAP". Referring to the activities of the SS man the article states that he "openly and unrelentingly fights the most dangerous enemies, such as the Jews, Free Masons, Jesuits, political clergymen" (Page 85). Witness replied that the date of the book was 1943 at which time the ALLGEMEINE SS had no powers and was not in a position to combat as described in the article. In re-examination he said that the SS were on Hitler's side at the time of the Roehm Putsch and that the words "combat or fight" referred to, might mean discussion of "Idealistic or world problems". They would not mean physical combat. (Page91)

The Prosecution put it to the witness that it was plain to everybody in Germany that the SS were carrying on criminal operations. Witness had previously stated that it was theduty of the SS to help poor and defenseless persons. This rule was laid down in a Code of Honor issued by the Reichsfuehrer SS Himmler. The members found out to their disgust that Himmler did not practice what he preached. Speaking, however, for the members, witness stated that as one of their legal advisors these rules were obeyed by the majority of the SS men until the end of the war.

Prosecution then read from Page 1 ofPS 1919 - US 170, the third line of the third paragraph. This was from a speech made by Himmler at Posna in 1943. "What happens to a Russian or a Czech does not influence me in the slightest," and "Whether 10,000 Russian females fall down from exhaustion by digging a ditch interests me only so far as the emigration from Germany is finished." (Page 86). Asked if this point of view was consistent with the injunction to help poor and defenseless persons, witness replied that these sentiments were never passed on and that he had never heard of this speech before (Page 87).

4. Religion.

The beliefs of other people were honored by the SS. A law was made in 1936 which was the result of a case of misconduct by a member of the SS and on which occasion he was discharged. It was forbidden during official meetings to discuss or ask religious questions in order to prevent any "insults or injured feelings".

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1093-0098

SUMMARY OF EVIDENCE OF ERNST HIRT, WITNESS FOR

THE CORPS OF POLITICAL LEADERS TAKEN BEFORE

A COMMISSION ON

13 JUNE 1946, TRANSCRIPT PAGES 988-999
14 JUNE 1946, TRANSCRIPT PAGES 1022-1058

SUBJECT: The Part Played by the Blockleiter in the Political Leadership Corps of the Nazi Party

Witness, a judicial counsel by profession, joined the Party in 1937. He was a deputy war Blockleiter from May 1942 until January 1945. His predecessor in office was called into the service in 1942 and the witness replaced him for the duration. (Pp. 988, 989, 990).

I. Activities Relating to Article 6 of the Charter

1. Duties and Beliefs of a Nazi Party Blockleiter

A wartime Blockleiter had the following principal duties: the collection of Party membership dues; the maintenance of a card index of residents in the block; the distribution of edicts and proclamations; and the fulfilment of various social and relief tasks. Consequent upon war, duties such as the regulation of air raid precaution measures and the location of billets for bombed out compatriots were embodied in the work of a Blockleiter. (P. 997).

Witness knew of no Blockleiter staff such as was described in the diagram on page 101 (German translation) of document 1893-PS. In practice the co-workers of the Blockleiter were janitors and superintendents. A Blockleiter had no other staff. The Blockhelfers mentioned on page 101 of the same document were few in number and were merely assistants or substitutes for the Blockleiter. The Blockleiter did not supervize the work of the Block foreman, the Block women's leader or the Block administrator, as alleged on page 103 of the above document and they did not come under his disciplinary authority as is stated on page 108. A Blockleiter had no disciplinary authority at all. (P. 998).

The Blockleiters were inferior in authority, position and political reliability to the members of the staff of the local group leader. Thus, there is a situation where inferior officers have been included in the indictment and those who had more authority and responsibility have been excluded. (P. 998).

The tasks of Blockleiters were so unimportant that they were commonly known as bank messengers and runners. (P. 999).

With respect to the Zellenleiters, a Blockleiter's contact with them was confined to the checking off of cash receipts and to receiving oral or written directives from the group leader through the Zellenleiter. (P. 999).

Every week there was scheduled a conference evening. The Block and Zellenleiters were supposed to take part in these. In reality, the average attendance of Blockleiters at these meetings was about 50%. Sometimes representatives of the Nazi Welfare League and the air raid precaution authorities attended. (Pp. 1022-1023).

At these meetings the Ortsgruppenleiter would discourse about an outstanding Nazi leader or about the successes of German arms, or the chances for victory, or the achievements of the German labor population. He definitely avoided reference to actual political aims. There was nothing discussed which could not have been heard over the radio or read in the newspapers. (P. 1023).

There was no direct connection between the Blockleiter and the higher political authorities, such as the Kreisleiter and the Gauleiter, and the Blockleiters attended Kreis and Gauleiters' meetings only when these meetings directly concerned the work of the Block and Zellenleiters. (P. 1023).

Witness denied the allegation of the Prosecution that the Blockleiter were "little Caesars" who terrorized the population. The tasks of these lower political leaders were non-political in nature. It became increasingly difficult for the Blockleiters to perform their duties as the war progressed. The maintenance of their families and the minimum performance of their tasks as Blockleiters so absorbed their time and attention that there was nothing left over for terrorist activities. With respect to the conduct of a few individual fanatics, the great majority of Block and Zellenleiters cannot be held responsible for their actions. It was absolutely necessary that the Blockleiters be very polit to their people or performance of their duties would have been impossible during the war. (P. 1025).

The Blockleiters had no legal authority to confiscate property, nor did they have any authority to requisition or commit organizations such as the SS and the Hitler Youth. They could not use the SA or the SS for making arrests, nor could they make any arrests on their own. (Pp. 1025-26

No one below the rank of Ortsgruppenleiter could properly be termed a Hoheitstraeger. There was no connection between the Blockleiters and the SD or the Gestapo. (P. 1026).

Witness disagreed with page 101 of the Organization Book, which stated that Blockleiters were supposed to find the propagators of harmful rumors and report them to the Ortsgruppenleiter or to competent state authorities. He stated that this type of spying would have been contrary to the endeavors of Blockleiters, because it was necessary that they should retain the goodwill of the people with whom they had to work. It was true that all Germans were expected to report anyone who spread harmful rumors. (Pp 1027-1028).

Witness knew nothing about morale reports which contained the names of individual citizens. He did recall that his Ortsgruppenleiter mentioned having to submit morale reports to Kreis and Gauleiters which dealt merely with the general morale of the population. (P. 1028).

On direct examination, the attention of the witness was called to document 2639-PS, pages 328 to 330, which was order # 127 of the deputy to the Fuehrer, dated 5 October 1936. This order warned Zellenleiters and Blockleiters against becoming obnoxious and against allowing their duties with respect to care and relief to degenerate into spying and informing activities. Witness was not familiar with this directive, but remarked that it conformed to the facts - that they had no authority to act as informers. (P. 1029).

Blockleiters, generally speaking, were not familiar with Ley's Organization Book, nor with the definition of Hoheitstraeger contained therein. Witness admitted that this was a word which carried very little meaning to the average Blockleiter, but that he believed that no one below the rank of Ortsgruppenleiter was in possession of political and directive rights. Blockleiters had no authority to give obligatory orders to the

H1093-0099

residents of their block. Witness' attorney referred to paragraph 1 of the same document (2639-PS) in which it was stated that the political leadership within the Party rested solely and only in the Hoheitstraegers, which is to say, with the writer, the Gauleiter, the Kreisleiter and the Ortsgruppenleiter. Witness agreed that to the Blockleiter the competent Hoheitstraegers were the Gauleiter, the Kreisleiter and the Ortsgruppenleiter. (P. 1030).

Witness did not know of the existence of the publication entitled "Der Hoheitstraeger". Defense counsel pointed to the fact that this publication was never distributed to Block and Zellenleiters, who constituted 93% of the political leadership corps. He concluded this fro the distribution list on the first inner page of document 2958-PS (USA 325 On cross-examination, it was pointed out to the witness that page 1 of the February 1939 edition of this publication indicated that the book was to l received by "the following Hoheitstraeger". Witness was asked why, if th political leaders who were included in the distribution list constituted all the Hoheitstraeger, it was necessary to insert the words "the following" in the distribution direction. He was not sure whether the words "the following" had any special significance, or whether they were merely there because of a lack of cleverness on the part of the editor. (Pp. 1031; 1052).

He was also referred to 1893-PS, (p. 3 of the English translation) which enumerates among the Hoheitstraeger Zellen and Blockleiters. He had no explanation for this other than the suggestion that may be this book referred to a plan under which Block and Zellenleiters were to acquir an authority which they had not in fact attained. Witness admitted that he made these suggestions on the basis of a personal knowledge of only two pre-war Blockleiters and one pre-war Zellenleiter. (Pp. 1052-1053).

At the conclusion of the cross-examination, the attorney for the political leadership corps was allowed to submit an affidavit sworn to by Karl Hederich, deputy chairman of the Commission for National Socialist publications from 1934 to 1945. A persistent uncertainty existed within the high Party ranks as to the exact concept of Hoheitstraeger, and the inclusion of Block and Zellenleiters within this term was merely a matter of organizational form. This affidavit stated that if they had not included these low Party officials within the concept of Hoheitstraeger, it would have been necessary to create a third category of leaders. The affidavit stated that Block and Zellenleiters never had the authority which was necessary for the true position of Hoheitstraeger. This affidavit was received in evidence and marked Defense Exhibit P.L.5. (Pp. 1055-1057).

2. The Party Program

Witness was questioned regarding the Nazi Party program and he testified that no right-thinking German could have any idea that point 1 - the union and self-determination of the German people into one nation - would be attained by criminal means. With regard to point 2 - the cancellation of the Versailles Treaty - Blockleiters believed that history showed that a vanquished people invariably endeavored to ease the conditio of the original peace treaty. This appeared to be a very desirable thing to the German people but no one thought of anything other than peacable revision. Point 3 of the program relating to more land for the surplus population was interpreted as a demand for the colonies which had belonged to Germany prior to the First World War and, again, there was no thought of a forcible fulfilment of this aim. (P. 1033).

H1093 - 0100

Witness was shown a document (L 221 - USA 317) which related to a conference in the Fuehrer's Hq., and which indicated that in July 1941, Hitler intended to incorporate into the Reich the Crimea, Alsace, the Baltic states and other Eastern territory. He remarked that the Block and Zellenleiters had been informed that the struggle of the German peopl was for their very existence, and that they had no thought of conquest or settlement in foreign countries. The war was represented to them as a wa of defense. Block and Zellenleiters had not the slightest idea of any plan for aggression or conquest. The outbreak of war came to lower political leaders and the people alike as a national disaster. (P. 1035).

Lower political leaders did not interpret the part of the Nazi Party program which renounced the parliamentary system of government as a cloak for aggressive aims, but thought that it was merely a legal means of doing away with the ill practices in the prior administrations. (P. 1036).

With respect to the point advocating re-armament, the lower political ranks did not believe that this would mean aggressive warfare, but believed that the re-introduction of general conscription would provide a good ethical and social training of the German people. Witness pointed t the fact that other nations at that time had also introduced conscription. (P. 1036).

In line with Hitler's general policy of keeping the people misled and uninformed with respect to his intentions, it was only natural that the lowest political leader in the Party, the Blockleiter, should have been completely misled. It was likewise natural that these unimportant political officials, having no authority even in a limited sphere, would have no influence whatsoever in legislative matters. (P. 1037).

On cross-examination, witness testified that his opposition to the Nazi Party had continued even while he was a Blockleiter. He declared that his experience as a criminal judge had informed him of many elements who were active within the Nazi Party. He had professional occasion to punish a number of outrages committed by exponents of the Nazi ideology. He did not know whether these criminals occupied leading positions becaus at the time of his contact with these people he had no knowledge of the internal Party structure. (Pp. 1043, 1044, 1045 & 1046).

Witness doubted the honesty of the proclaimed goals of the Nazi Party. As a result of his impartial punishment of certain Nazi criminals he was disciplined and transferred from his judicial work in Guntzenhausen to Nürnberg. This was accomplished on the order of the Bavarian Minister of Justice, Dr. Frank. He was also accused of spreading the rumor that SA elements had started the Reichstag fire. He was convinced that when he came to Nürnberg, the details of his unsympathetic actions in Guntzenhausen accompanied him and were transmitted to the Gauleiter and handed down by the Gauleiter, in the usual fashion, to the lower officials. (P. 1047).

It was because of these unfavorable items on his record that the Minister of Justice prevented the witness from progressing within the Ministry. (P. 1048).

3. Selection of Block and Zellenleiters

Witness expressed the opinion that during peacetime Zellen and Blockleiters, as well as Ortsgruppenleiters, were picked for special qualifications. Therefore, these leaders were politically reliable during times of peace. This was because there were more Party members then available for these positions. From the point of view of the Party, a politically reliable person was one who was a convinced Nazi. However, he believed that there were some people, even during peacetime, holding these

H1093-0101

positions who were not really convinced Nazis, but preserved enough appearance of it to convince the authorities that they were politically reliable. (P. 1050).

4. Church Membership

Witness did not know any Block or Zellenleiter who was not a Christia or who had resigned from the church. No directives were issued to these officials requesting such resignation from church membership. (P. 1032).

It was common knowledge that the Party endeavored to weaken the influence of the Christian churches. Further, the Ortsgruppenfuehrer of the witness told his subordinates that they should be careful to avoid difficulties with the church and with churchmen. Although the political leaders had been thoroughly informed of the open and secret resistance of the churches to the Nazi movement, the greater number of them believed tha clergymen who resisted did so only in performance of their duties. They did not believe the vague reasons supplied to them by the Party as to why there was a fight against the churches, but they were not informed as to what the real reasons for this fight were. It was not required of Blockleiters to take part in this conflict. (Pp. 1039-1040).

5. Jews

With respect to point 4 of the Party program dealing with the unequa distribution of Jews and anti-Semitism, under which no one would be part o the German Volk who was not entirely of aryan German blood, the witness freely admitted that this was unfair discrimination against the Jews. He claimed that the decent element among the German people did not want any part in such discrimination. However, after Hitler's ascendancy, no individual had any power to resist this policy unless he wanted to become a hero and a martyr. Resistance to this program meant, for the individu only a one-way ticket to a concentration camp. In the early years of the Hitler regime, Jews were granted the opportunity to emigrate. Jewish civil servants were retired with full or part pension rights. It was the hope of most of the people that the Jewish problem would be solved in a decent and honorable fashion. They could not anticipate the horror of the final solution. (P. 1035-1036).

Witness did not believe that Blockleiters participated, on the basi of instructions from the Party leadership, in the increasingly severe measures which were taken against the Jewish population, such as the wear ing of yellow badges, violence against the person and property of the Jews, use of the Jews for forced labor and restricted food rations for Jews. (P. 1042).

II. Evidence of Voluntary and Compulsory Membership

At the time of witness' admission to the Party, his open opposition to the Nazi movement was well known to the local members. He had professional occasion to pass sentences on members of the Nazi Party, but in 1937 he applied for membership in the Party because the constant criticism of his political views caused him to worry about his position and his personal liberty. When, in 1942, he was asked to take over the position of deputy Blockleiter for the duration of the war, he avoided it as long as he could but he felt that his position as a civil servant required his acceptance. He believed that a civil servant who belonged to the Party and who refused to serve in an official capacity would be letting himself in for unfavorable consequences and possibly for physical harm. His counsel showed him an excerpt from p. 143 of 2639-PS which dealt with the resignation of civil servants from the Nazi Party and recommended that those who resigned from Party offices should be excluded from privilege promotions. He believed that if an official such

H1093-0102

as he was resigned for political reasons, he had to figure on the possibility of dismissal from his job and the loss of his livelihood which woul mean economic disaster to himself and to his family. He had never had personal experience with this matter but he was persuaded, from his reading of the newspapers, that civil servants whose political unreliability became suspect were often put into concentration camps. (Pp. 989-995).

Witness knew of a number of Block and Zellenleiters who tried their best to avoid the acceptance of those posts. (P. 993).

III. Knowledge of Criminal Activities

1. Destruction of Trade Unions

Block and Zellenleiters had no particular knowledge with respect to the destruction of the free trade unions and they did not take part in this action. They were not connected with the German labor front or the National Socialist Organization cells in the different industrial plants. (Pp. 1040-1041).

2. Mistreatment of Allied Fliers

Witness had never become acquainted with the letter by Reichsleiter Bormann, dated 30 May 1944 (057-PS - USA 329) which forbade any local action against people who participated in lynchings of Allied aviators who had been forced to land on German territory. The distribution key of this document indicated that Ortsgruppenleiters and lower leaders should be informed of the directive orally. Blockleiters never received any instructions with respect to treatment of enemy airmen. (P. 1042).

3. Mercy Killings

Witness was uninformed regarding the order which Hitler gave to Reichsleiter Buehler and Dr. Brandt which allowed a certain group of doctors to perpetrate mercy killings. (P. 1043).

Summarized by: J.S. CONWAY

H1093 - 0103

General Secy

SUMMARY OF EVIDENCE OF ALFRED HOENGEN

WITNESS FOR THE S.D. TAKEN

BEFORE A COMMISSION ON

26 JUNE 1946 TRANSCRIPT PAGES 1870 TO 1895

SUBJECT: Evidence to show (1) that the contention of Prosecution that the SD checked trustworthiness and reliability of Civil Servants on basis of their agreement with Nazi ideals is not correct, and (2) that SD did not influence selection of Nazi leaders as stated on page 16 of the trial brief from the German translation.

Witness, a lawyer, joined the Party in January 1940; the SD in May 1940 and the SS in 1941. He acted as Chief of SD sector in Aachen, SD main sector at Hamburg, and SD main sector in Berlin. In the various sectors of the SD he worked in the section of law and administration in Amt III A and in General Public Life, which at first was Amt III A4 and later III A1.

I. Activities Relating to Article 6 of the Charter

1. Evidence relating to information furnished by the SD with regard to Civil Servants

State officers and Section officers, State administration and local administration appointed and advanced Civil Servants. The Party also took some part in this. In regard to these appointments, various offices were questioned, such as local police, local courts, the labor or Arbeitfront, the Party and various professional groups, depending on profession of person involved, that is, law associations, medical associations, etc. The above information was used by the Party for the so-called political certificate or political judgment of various officers. However, witness pointed out that the information which emanated from the above organizations was not in the nature of a judgment but only represented a statement of fact. The judgment of the Hoheitstraeger called the Hoheitsact was an important judgment and had "constitutional value". It was an official act. As far as witness knew, only a Kreisleiter could render such a judgment. The witness explained that the word Hoheitsact or Hoheits file is an old German administrative term. For example, Hoheitsact would include all the files of a particular court--criminal, concessions, permits of all kinds, etc. The information furnished by the SD was not a Hoheitsact file. The Party Chancellory distinguished between political judgment and political information. Only the information furnished by a Hoheitstraeger was supposed to be recorded as a Hoheitsact. The information furnished by SD did not have to be absolutely obeyed with regard to the appointment or advancement of a Civil Servant and the Hoheitstraeger was in no way bound by it.

It was the duty of the SD upon receiving orders from the Party to furnish information concerning future Civil Servants and those who were to be advanced. These matters were handled by Amt I. The information consisted mostly of reports made by old members. When Amt III was formed these files were sent to the Gestapo and it then became the duty of Amt III to furnish the information. The information was called "information on the sphere of public life". It presented a complete picture of the man reported on--his personality, character, schooling, professional career, family, financial and social background. If a member of the law profession was concerned, then an SD worker with a legal background compiled the information, etc.

Witness testified that the information was sent to the person requesting it. He never had the impression that it was used as part of

H1093 - 0104

a conspiracy. He further stated that there was no group within the State or Party that was known and regarded as a group formed for a conspiracy. The relationship between various ministers and officers of the Party was not a close one and was composed of people who had a great difference of opinion and who continually opposed each other. The SD did not have knowledge of any common goal that this group might have had. He emphasized again that the SD did not render any judgment--they just furnished information. However, if a person had stated his opinion in opposition to the Party or State, this fact was included along with other facts.

Witness was told that Dr. Hoettel in a sworn statement--PS 2614--had stated that it was the goal of the SD to place only persons who were 100 percent followers of the Party in leading positions and to remove all other public officers. The witness said that Dr. Hoettel never worked in Amt III--that the information bureau was not concerned with personal politics. It was the goal of Amt III to place the best qualified personnel in leading positions from a standpoint of character and ability. The SD could not proceed against other high ranking officers. Such executive action was only in the hands of the police and judges. The SD had no influence on the personnel policies of various official departments and ministries. However, the SD was interested in seeing that the information it compiled and passed on was used. This information concerned all high ranking officers, State officers, and people well known in public life, besides those working in administration, law or culture. Therefore, the experts working in Amt III maintained good relations with personnel services of various official departments. It was possible that experts in Amt III and personnel chiefs would confer and jointly decide which man would be the best choice for a particular job. However, witness emphasized that Amt III did not have the power to suggest who was the best qualified. The SD exercised no supervision in this regard nor did it have any veto power over names proposed for official positions and advancements.

On cross examination witness admitted that SD received information from "V men", that is, honorary part-time members. He admitted that if one of the V men had learned that a man was opposed to anti-semitism, etc., it would then be incorporated in the report on him. He also testified that the reports prepared by the SD sometimes contained a conclusion or judgment at the end of the report.

Files were set up for the information compiled. For example, if a V man reported that the public did not agree with a decision in a criminal matter, the SD would become interested in the particular judge and all information concerning him was made into a file. If the judge was then to receive a promotion, the Party could ask the SD for any information in their files on the man. If no file had been made for him, one would be made up then.

2. <u>SD did not influence selection of Party Leaders.</u>

The witness testified that the SD did not handle information concerning political leaders who were to be appointed to political jobs, that is, higher jobs in the Party. This was due especially to the objections of Bormann. Therefore, regarding positions, such as Ortsgruppenleiters, Gauleiters or even Kreisleiters, the SD was not contacted in any way.

On cross examination witness stated that in 1943 he worked in Amt III on a committee called General Public Life. It was his duty to describe the development of public opinion from reports he received from smaller sectors all over Germany. For example, if a high Party official acted in a bad way at a public affair, it would not have a good influence on the people. Many Party officials were critically discussed by the population. All these facts were gathered by the V man. Witness put the

H1093-0105

acts together and passed on his reports to various officials who were in a position to change conditions. Bormann as Chief of Party Chancellors was usually concerned.

II. Knowledge of Criminal Activities

Witness testified that in 1938 when he first became a lawyer, he was asked to explain to the Kreisleiter in his home town, Aachen, why he had not joined the Party or some organization of the Party. He told the Kreisleiter that he was not a political person. As a lawyer he had been representing many Jews who were leaving Germany. These Jews had been driven out of business because of State decrees or State orders. A large number of official departments were connected with this: Finance Department, Criminal Police, etc. The Kreisleiter suggested to the witness that he become a member of the NSV—the National Socialist Welfare Organization. He joined it as it had nothing to do with Nazi world ideas but was purely a welfare organization. The witness stated again that he opposed anti-semitism and the so-called leadership principle but felt at that critical time that a central energetic leadership would be a good thing for Germany. After he had worked for NSV for about six months, the Ortsgruppenleiter told him it would be possible for him to enter the Party. He had concluded that it was not a good idea to remain as an outsider but felt that he could express his opinions better as a Party member. He never felt that he was spied on—for example, in court lawyers had their own rooms and freely expressed their opinions on new measures. They also discussed them in public.

When the war broke out, the witness became a soldier and was placed in a Building Construction Company, which he felt he was not physically suited for. The SD needed lawyers at this time and witness then joined it. He stated that the SD was an institution which looked into public ideas and thoughts. He never had the impression that the SD-Amt III carried out any espionage or intelligence service.

Summarized by:

D. M. HUNT

H1093-0106

H1093-0107

SUMMARY OF EVIDENCE OF ROLF-HEINZ HOEPPNER

WITNESS FOR THE SD ORGANIZATION TAKEN BEFORE

A COMMISSION ON

21 JUNE, 22 JUNE, 24 JUNE, AND 25 JUNE 1946.

TRANSCRIPT PAGES 1605 to 1608.
TRANSCRIPT PAGES
TRANSCRIPT PAGES
TRANSCRIPT PAGES 1764 to 1778.

SUBJECT: The Functions and Structure of the SD.

1. Amt III (Home Intelligence), Amt VI (Foreign Intelligence), and Amt VII (Research) were entirely separate organizations.

2. Amt III (Home Intelligence) was not strictly a part of the SD, it was not a section of the Party, nor of a unified police system. It did not carry out tasks on the part of the Gestapo.

3. The SD as a whole was not responsible for concentration camps or for the annihilation of undesirables, nor did it commit crimes against peace or humanity.

4. The SD had no executive powers but was merely an information agency of the Party.

Witness stated he had belonged to the SD since 1934, and at the end of the war was Chief of Section 3a of the RSHA (Reichs Security Main Office).

I Activities Relating to Article 6 of the Charter

1. Meaning of the Term SD.

The term "Sicherheitsdienst" or SD could mean:

(a) An SS formation known as the SD.
(b) A special information agency.

The SD considered as a SS formation was entirely different from Amts VI and VII of the RSHA. It was controlled by Kaltenbrunner (page 1605). It was a special formation of the SS comprising units of the Allgemeine SS and Security Police.

Amt VI (Foreign Intelligence) and Amt VII (Research) were part of the SD under heading 2.

There was no collective responsibility or action by these different organizations. The SD, in a general sense, included even members of the criminal police who had been accepted for special reasons (page 1606)

The "Reichs Sicherheitsdienst"was,however, an entirely different organization set up for the protection of the Fuehrer. It was in no way connected with Amt III or with the SD Organization within the SS. It was entirely independent.

2. Structure and Functions of Amts III, VI and VII of the RSHA.

Amt III collected information within the borders of the Reich.
Amt VI collected information outside the borders of the Reich.
Amt VII delt with archives and records.
These duties were independent of each other (page 1607).

Witness explained that the structure of these three offices was very different; e.g., Amt III was highly decentralized and worked through its branch offices, whereas Amt VI,Foreign Intelligence Service,was a highly centralized system.

H1093-0108

He stated that there was no collective purpose or feeling among the officials of these groups of being part of the same organization. Although they were coordinated by the Chief of the Security Police and SD, he made separate use of these departments.

Amt III had no common purpose as far as its functions were concerned with the SS or any part of that organization.

3. Relation of the SD to the SS.

The witness emphasized that the SD was:

(a) A Party organization.
(b) Few of its members belonged to the SS.
(c) It was unique in the sense that it grew up "unofficially" and was not established by legal decree.

Document PS 1680 in the book "Ten Years of Security Policy and SD" was submitted to the witness in order that he might explain the charge that the SD was part of the SS. He observed that the only sentence in the passage quoted that seemed relevant was that in 1932 the Reichs Fuehrer SS created a special intelligence organization called the SD.

The SD was not a subdivision of the SS but an independent organization. (See SS Trial brief page 11). There were, however, some honorary members of the SS within the SD.

The SD (Amt III) carried out no SS tasks. There was no link through the higher SS and police leaders.

In cross-examination witness stated that the SD formation within the SS previously referred to did not have any special tasks although referred to as the "Sonder" formation of the SS. It consisted of members of the Security Police and SD. When "Sonder" groups were formed, SD men were recruited.

Witness said that the decisive question with regard to the connection between SD and Einsatz groups was whether these men during their attachment to the Einsatz group were carrying out functions of an SD or a security police character.

The personnel of the SD served in Einsatz Groups and Einsatz commandos quite as much as the personnel of the Security police.

Further questioned as to the nature of the SS within the SD, the witness admitted that by far the largest part of the regularly employed members of the SD were members of the SS. This applied to the V-men. One can only consider the comparison between the SS and the SD in relation to the tasks that they were supposed to have performed.

Referred to Himmler's statements that the SD was the "great ideological intelligence service of the Party and, in the long run, also of the State. During the time of struggle for power, it was the only intelligence service of the SS," witness stated that one could only consider this question in the light of the development of the SD from 1931 to 1939.

The spheres of life that the SD investigated included such things as law, public health, education, science, food, banking, labor and social work.

4. The SD and the Party.

The SD, as such, was a party organization, but was not connected with the police leaders.

The witness explained Document PS 3237 as showing that the SD served the Party and State in equal proportions, but he added that the Party lacked confidence in the SD.

H1093-0109

The function of Amt III was to ascertain the moods and reactions of people towards conditions in Germany and the measures taken by the government. It received no orders from the Party Leadership nor was it aware of any conspiracy to keep people in power who might be planning aggressive war.

Witness declared that the ordinance quoted from Volume I of the Ordinances and Laws of the Party Leadership, page 599, of 14 December 1938, does "not reflect cooperation between the SD and the Party". SD agents kept the Gauleiters informed of evidence but they were not members of their staffs.

These ordinances show that the SD was not only an information service of the Party, but also the State. The State, however, could not issue orders to the SD.

In cross-examination on this point, witness denied that it was the duty of Amt III to report on cases of "wavering" on the part of the Party leaders from the principles of National Socialism. He said that this was the wrong perspective and that the function of the SD was to report on the reactions of the people and he denied that party members were observed by the SD. The SD did not observe people, but "spheres of life". He agreed, however, that he had previously testified that these "spheres" of life involved members of the Party.

5. Amt III of the SD was not Part of a Uniform Police System nor did it Belong to the Gestapo.

Witness declared that from the point of view of structure and organization, there was no relation between the Gestapo and the SD. The principal differences which he explained were:

(a) The Gestapo was established by State ordinances.
(b) The SD grew up by no such fixed rules and it was not a State but a Party authority.

Heydrich's position as Chief of the Security Police and SD did not mean that the Security Police was the same thing as the SD. The aims and activities of the Gestapo and SD were quite different.

The function of the Gestapo was executive as far as political aims were concerned, whereas the SD merely collected intelligence in order to change "undesirable conditions". The SD had, for instance, no power of arrest and was not interested in individual cases.

The SD was not a police system nor did it belong to a unified police system. It acted as an independent information agency.

With regard to a statement made by the Prosecution on 26 February 1946, witness stated that it was quite incorrect to say that the SD had police functions. It concerned itself only with discovering the intentions of hostile factions within the State. Executive action against treasonable groups concerned the Gestapo, whereas the SD was only concerned with public morale and opinion within certain "spheres of life". (See Document No. A166-37, Orders of the Party Chancellory, dated November 1937, Volume II, page 432).

Members of the SD were forbidden to perform arrests.

There was, however, a sort of general office collaboration between the SD and the Gestapo. The SD did not report to the Gestapo on individuals but on groups and in their reports they did not mention names.

A book by Dr. Werner Best, which had been submitted by the Prosecution, was referred to as Document PS 1852. Witness stated that Dr. Best is totally incorrect in his view that the SD was ever a tool of the Gestapo.

The article in the Volkischer Beobachter of January 1936, page 1343, submitted by the Prosecution as Document PS 1956, is a mere propaganda article. This represents that the SD supplemented the Gestapo. The SD was not, as has

H1093-0110

been alleged, a "general staff" for the Gestapo. The SD was an organization not concerned with special tasks, but with general reporting on people and conditions; nor was it a collection of spies and informers. Agents of the SD merely unpaid "vondifence men". These confidence men were acting from selfless motives and only in the interests of the State. The confidence men were not instructed to report on actions directed against the Party. Their work was not particularly secret and their existence was known to the whole nation. They did, however, use "cover numbers".

The SD was not as Heydrich had said, "A ministry of fear and horror". Heydrich's statement was meant to be "ironical".

In cross-examination concerning the confidence men of the SD, witness stated that one of the functions of the confidence men was to hand over illegal pamphlets to the police, but this would be the duty of any German citizen.

The confidence men known as "V-men" were recruited from all walks of life. Some of the people recruited were people who were not loyal to National Socialism but took a critical attitude. This was because the SD wished to get the reactions of the entire population and not only of Party members.

The witness admitted that "V-men" were used to report on the people, particularly on the Catholic Church.

In cross-examination, reference was made to Document L361 under which Heydrich was stated to have brought the various offices of the Security Police and SD under one head, the RS[illegible] or Reich Security Main Office. The Prosecution put to the witness that this showed that the reason for the setting up of the RSHA was to create greater centralization of the main offices which would include the Gestapo and SD. Witness, however, denied that the establishment of the RSHA had in any sense changed the functions or carrying out of the functions of the SD.

Cross-examined further on the question of collaboration between the Gestapo and the SD, witness stated that he did not know whether the Gestapo ran "V-men" or not.

Shown 1815 PS, which referred to an order by Mueller to all Gestapo stations concerning the study and treatment of Church politics, which appeared to show that these functions up to the summar of 1941 had been carried out by both SD formations and the Gestapo offices, witness stated that this had been misunderstood. He said that a directive previously mentioned dated June 1938, had separated the functions of the SD and the Gestapo. When, however, further portions of the letter were read to him, particularly in reference to the cooperation between the Gestapo and the SD in the sphere of Church politics in the area of Dusseldorf, he admitted that there was some cooperation but that the extent of it was based on a misunderstanding of the position.

Cross-examined regarding his observations in the book written by Dr. Werner Best, he said that it was true that up to 1941 the SD had, as stated by Best, been charged with investigating and observing "all forces which were of importance for the domination of the National Socialist movement in Germany." But this, however, should not be taken to mean that the SD had any executive functions in that respect. Best's description was open to misunderstanding.

Referred to Document R112, USA [illegible], a letter dated 1 July 1942, referring to the resettlement of certain German nationals and the reports that should be made by the SD and other offices regarding their resettlement, witness stated that he did not recall the directive and that the only function of the SD with regard to the resettlement ofpersons of German blood and Jews concerned reports on morale as to the executive measures taken.

6. <u>The SD was not Concerned with Concentration Camps</u>.

The SD never issued any orders regarding the setting up of concentration camps nor did it own or control any.

H1093-0111

Counsel for the defense submitted to the witness document D46 (a letter to the Chief of the Security Police and the SD in Brussels regarding concentration camps). This document shows that the Gestapo and not the SD was the authority on concentration camps. The SD had nothing to do with the putting of racionally undesirable people into the camps.

With reference to Document 2477 (affidavit of Litzenberg), if the head of the RSHA was to order the committal of peopleinto concentration camps, he would then act as chief of the Security Police and not the SD; nor did he report to the Gestapo on individual people.

(Various documents were put to the witness who declared that the reference to committal orders where the SD was on the distribution did not mean that the SD was supposed to take any executive action.)

No units of the SD were used as concentration camp guards.

Amt III of the SD never received reports on concentration camps.

Both the witnesses Blaha and Milch (transcripts of the Tribunal of January 11 and March 11, 1946) were in error in describing SD officials in concentration camps. The words "SD" were often worn on the sleeves of their uniforms by SS men and other formations attached to the SD.

7. <u>The SD did not Commit Crimes Against Peace</u>.

The witness denied that any of the various offices of the SD were concerned in a conspiracy to wage aggressive war.

II Evidence of Voluntary or Compulsory Membership

Position of SD confidence men or V-men: The SD confidence men to the end of the war were about fifty per cent regularly employed and paid. The remainder were volunteers recruited from all parts of the population. They were not allowed to resign.

Summarized by: A.M.S.Neave,
Lt.Col.,AAG,
Commissioner.